

Chief Executive Recruitment

21 February 2017



Request for Information.

Thank you for your request received on 26 January in which you asked:

Following the appointment of Manon Antoniazzi, announced in today's press, as Chief Executive please release the following information

- 1) *How many people applied for the job in total*
- 2) *How many applied for the job from*
 - a. *Welsh Government*
 - b. *Welsh Assembly*
 - c. *Any Local Authority*
 - d. *Any Health Authority*
 - e. *Private sector*
- 3) *How many applicants were Welsh Speaking*
- 4) *How many applicants were short listed*
- 5) *How many of those short listed were Welsh Speaking.*
- 6) *Copies of the CVs of the candidates shortlisted for interview (Taking into account the seniority of this position those shortlisted should accept it is within the public interest to be made aware of their backgrounds and credentials).*
- 7) *The new Chief Executive's commencing Salary.*

The answers to your questions are provided below:

- 1) *How many people applied for the job in total: 29*
- 2) *How many applied for the job from:*
 - a. *Welsh Government: 5 or fewer*
 - b. *Welsh Assembly: 5 or fewer*
 - c. *Any Local Authority: 5 or fewer*
 - d. *Any Health Authority: 5 or fewer*
 - e. *Private Sector: 5 or fewer*

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- 3) *How many applicants were Welsh speaking:* 10
- 4) *How many applicants were short-listed:* between 6 and 10.
- 5) *How many of those short-listed were Welsh speaking:* 5 or fewer

In relation to questions 2 a. – e., 4 and 5, although we hold the information sought, we are unable to provide you with it because of the very low numbers of applicants falling within the various categories. To do so would constitute a breach of the Data Protection Act 1998. As such, it is exempt from disclosure under section 40(2) and section 40(3)(a)(i) of the Freedom of Information Act 2000. Please see the [annex](#) for a fuller explanation.

However, in an effort to provide you with meaningful information, whilst complying with our duties under the Data Protection Act 1998, we have expressed the information in an anonymised form so as to ensure that no individual can be identified. In addition we can inform you that 12 applicants applied from a number of public sector organisations other than those listed at 2 a. to d.

- 6) *Copies of the CVs of the candidates shortlisted for interview:* Although we hold the CVs of the candidates shortlisted for interview, we are unable to provide you with that information because it comprises personal data for the purposes of the Data Protection Act 1998. To disclose it would contravene the Data Protection Act 1998. As such, it is exempt from disclosure under section 40(2) and section 40(3)(a)(i) of the Act. Further reasoning for this conclusion is set out in the [annex](#) to this letter.

Again, in an effort to provide you with useful information, here is a [press release](#) which was published after the appointment of Manon Antoniazzi.

- 7) *The new Chief Executives commencing salary:* [Pay scales](#) are published on our website and the new Chief Executive's starting salary will be Senior Band 1 (Chief Executive) - point 1 £125,170.

Your request has been considered according to the principles set out in the Code of Practice on Public Access to Information. The code is published on our website at http://www.assemblywales.org/abthome/about_us-commission_assembly_administration/abt-foi/abt-foi-cop-pub.htm

If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance at the end of this letter.

Yours sincerely

**Freedom of Information Manager
National Assembly for Wales**

Cause for concern or complaint with your FOI response?

If you believe that I have not applied the Code correctly or have not followed the relevant laws, you may make a formal complaint to the Chief Executive and Clerk at the National Assembly for Wales, Cardiff Bay. Details of the Assembly's complaints principles are set out in the Code of Practice on Complaints available on the Internet at <http://www.assembly.wales/en/help/contact-the-assembly/con-complaint/Pages/con-complaint-procedure.aspx>. Please advise me if you wish to receive a printed copy.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

Some of the information sought falls within the definition of personal data in the Data Protection Act 1998, being:

“data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller”.

It is therefore information which is exempt from disclosure under section 40(2) and section 40(3)(a)(i) of the Freedom of Information Act 2000 where disclosure would contravene any of the data protection principles. The principle relevant on this occasion is the first data protection principle.

The first data protection principle as set out in Schedule 1 to the Data Protection Act 1998 states that:

“Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless at least one of the conditions in Schedule 2 is met...”

In addressing whether a disclosure would be fair we have considered the consequences of disclosure, the reasonable expectations of the persons concerned and the balance between their rights, our duties and any legitimate interest in disclosure.

Our conclusion is that a disclosure of personal data would be unfair. The factors taken into account include the following. Releasing details of the number of individuals who applied from particular organisations could lead to their identification. The application process was stated to be confidential and we consider that all applicants should reasonably be able to expect the confidentiality of an appointment process to be maintained both during and beyond it. The consequences of the disclosure of the identity of those who applied for the post (with the exception of the successful applicant) would be significant and could affect their current or any future employment.

The information contained within candidates' CVs include details of career history, qualifications, education, and personal information. The information was provided in the context of a confidential appointment process and there was no intention (whether on the part of the National Assembly for Wales

Commission or the applicants) that the information should be shared beyond the process and certainly not made public. Indeed, the provision of a CV carries with it a strong expectation against disclosure as applications are treated in a confidential manner. Disclosure of such information would be likely to cause distress and could affect individuals' current or future employment.

Notwithstanding our view as to fairness, we went on to consider Schedule 2 to the Data Protection Act 1998. None of the conditions in Schedule 2 are relevant other than paragraph 6, which allows the processing of personal data if:

"The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject."

This condition involves a three-part test:

- There must be a legitimate public interest in disclosing the information;
- The disclosure must be necessary to meet that public interest; and
- The disclosure must not cause unwarranted interference with the rights, freedoms and legitimate interest of the data subjects.

There is a legitimate public interest in transparency in general terms and in knowing that an appointment at such a senior level has generated a certain level of interest, however we can see no legitimate public interest in disclosing the actual numbers of individuals involved nor their CVs. Our conclusion, therefore, is that it would not be possible to meet a Schedule 2 condition.