

## Assembly Member constituency office work

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



18 July 2019

### Request for Information.

Thank you for your request received on 21 June in which you asked:

*I am requesting the following information under the FOI act.*

*A copy of invoices, Bill's, quotes sought and all other relevant documents related to payment to Neil Mcevoy AM for building work carried out at constituency office. Cost listed in members expenses September 2016, costing £5000. Fees Reference 121565*

Please see the response below:

A copy of the invoice for the work carried out for fees reference 121565 is attached to this response. (Available on request)

Quotations for the work from KMUF Assets Ltd, ESL Construction and JG Builders are also attached to this response, as is the claim form submitted to the National Assembly for Wales Commission's Members' Business Support team. (Available on request)

Some redactions have been made on the basis that the information constitutes personal data and is exempt from disclosure under section 40(2) and (3A)(a) of the Freedom of Information Act 2000. Further reasoning for the conclusion reached in relation to this information is set out in the annex to this letter.

Bae Caerdydd  
Caerdydd  
CF99 1NA  
Cardiff Bay  
Cardiff  
CF99 1NA

Ffôn/Tel: 0300 200 6544  
E-bost/Email: [Ceisiadau-gwybodaeth@cynulliad.cymru](mailto:Ceisiadau-gwybodaeth@cynulliad.cymru)  
[Information-request@assembly.wales](mailto:Information-request@assembly.wales)

Yours sincerely

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

Your request has been considered according to the principles set out in the [Code of Practice on Public Access to Information](#). If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance below.

Cause for concern or complaint with your FOI response?

If you are dissatisfied with the Assembly's handling of your request, you can request an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Freedom of Information Manager at:

[Information-request@assembly.wales](mailto:Information-request@assembly.wales) or in writing to

The National Assembly for Wales

Governance and Assurance

Cardiff Bay

Cardiff

CF99 1NA

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 as set out in Article 4 of the General Data Protection Regulation (“GDPR”), being:

“any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that natural person”.

Personal information is exempt from disclosure under section 40(2) and 40(3A)(a) of Freedom of Information Act 2000 where disclosure would contravene one or more of the data protection principles within the GDPR. The principle relevant on this occasion is the first data protection principle.

The first data protection principle as set out in Article 5 of the GDPR states that:

“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’”).

In addressing whether the disclosure of this information would be fair, we have considered the consequences of disclosure, the reasonable expectations of the persons concerned and the balance between their rights and any legitimate interest in disclosure. Our conclusion is that disclosure would be unfair.

Notwithstanding our view as to fairness, we went on to consider Article 6 of the GDPR. None of the legal bases in Article 6 are relevant other than Article 6(1)(f), which allows the processing of personal data if:

“Processing is necessary for the purposes of legitimate interests pursued by the controller or by the third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.”

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 override the interests, fundamental rights or freedoms of the data subject.

There is a public interest in transparency in general. However, in our view the public interest is met in this instance by the disclosure of much of the content of the documents within scope of the request, which includes full disclosure of the associated figures. The arguments in favour of disclosure the withheld information does not, in our view, outweigh the interests, fundamental rights or freedoms of the data subjects.

In the circumstances, the disclosure of the withheld information is not necessary to meet the public interest.