

AMs Support Staff Job Description and Salary

August 2016

Request for Information.

Thank you for your request received 29 July in which you asked:

- 1. I would like to know the name, salary band and job description of every member of staff working for Assembly Members in the UKIP political group.*
- 2. If possible, I would also like the same information for the staff of the other AMs.*

The [Remuneration Board](#) is an independent Board, set up in 2010 to look at Assembly Members' (Members) pay and allowances. The Board's main job is making sure AMs have the right resources for doing their jobs properly.

Assembly Members (AMs) are entitled to resources to employ staff (Assembly Member Support Staff 'AMSS') and run offices in their constituencies so that they can deal with issues and cases raised by the people they represent. A Member may claim an allowance to cover the salary for up to three full-time equivalent staff (111 hours). Further information is contained within the '[Determination](#)' - *Chapter 7: Support for Assembly Members*, specifically paragraphs 7.1.1-7.1.4.

We can confirm that we hold the information requested for UKIP and the other AMs within the Assembly. However, it comprises personal data for the purposes of the Data Protection Act 1998. A disclosure of the names, salary bands and job description of one specific party group in the National Assembly, in our view, contravenes the first data protection principle 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 (the Act). Further reasoning for this conclusion is set out in the [annex](#) to this letter.

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However, in an effort to provide you with information, whilst complying with our duties under the Data Protection Act 1998, we have provided the job descriptions and salary bands of each AMSS employed by the 60 AMs in an anonymised form in the attached [table](#).

Further information on the [job descriptions](#) of AMSS have been published previously on our website.

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

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 Act 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 and any legitimate interest in disclosure. Our conclusion is that a disclosure would be unfair. AMSS work for elected representatives, they are not elected themselves. Although their names and job titles are known by members of the public who contact them, we do not believe that publishing their names, job titles and salary bands meets any public interest. In turn, the salary bands relate to their financial positions and are private in nature. The staff have no expectation that information relating to the detail of their remuneration will be made public. Instead, the rules, as stated in the [Determination](#) regarding the employment of support staff is sufficient to meet the public interest as well as the information provided in the anonymised table.

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 public interest in transparency in general, and in particular in knowing the parameters within which, and the level at which, Assembly Members receive support to enable them to fulfil their functions, to include the provision of staffing support. In our view, the public interest is met in this particular instance by the disclosure in anonymised form together with the publication of the Remuneration Board’s Determination. The Determination sets out the allowances available to Assembly Members to secure staffing support. In relation to each type of support it details the circumstances in which sums may be paid, and any applicable maxima.

In the circumstances, the disclosure of individual names, job titles and salary bands of individual support staff from any specific party group is not necessary to meet the public interest. Our conclusion, therefore, is that it would not be possible to meet a Schedule 2 condition.