



## Oath Ceremony

18 October 2021

### Request for Information.

Thank you for your request received on 15 September in which you asked for:

*A copy of the full risk assessment conducted prior to the oath ceremony.  
Why was a "cwtch" allowed to occur in the Chamber of the Senedd when such things were not allowed, as per the First Minister, at the time the event took place due to Covid restrictions?*

Please find attached the risk assessment document titled: 'Risk Assessment: Welcome and Orientation 7-11 May 2021'. (to receive a copy – please email [Information-request@senedd.wales](mailto:Information-request@senedd.wales)) Some of the information within this document has been redacted because it contains personal data that is exempt from disclosure pursuant to the 'personal information' exemption in section 40(2) of the Freedom of Information Act 2000 (FOIA). This exemption applies where the requested information constitutes personal data and its disclosure would contravene any of the data protection principles set out in the United Kingdom General Data Protection Regulation (UK GDPR).

We have also applied two further exemptions in relation to two floor plans that are contained within the risk assessment document. We consider that the disclosure of this information would endanger the safety of individuals, as well as have a negative impact on our ability to safeguard national security. As such, we consider this information to be exempt from disclosure under sections 38(1)(b) and 24(1) of the FOIA respectively.

Further reasoning for the engagement of all three exemptions is set out in the **Annex** below.

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In response to the second part of your request, each Member of the Senedd was allowed one guest from their household "bubble" into the Siambr. While moving around the Siambr, all Members of the Senedd, their guest and staff present were required to wear a mask and maintain two metre social distancing. Once each person was at their designated marked area, they were allowed to remove their mask to enable them to take the Oath and for a picture commemorating the event to be taken.

I have also attached a document titled: '*Covid-19: Accessing the Senedd Estate following the Senedd Election*'. This is a guidance document which was sent to each Member of the Senedd before they attended either the Senedd or the North Wales office. I have not disclosed the document in its entirety, only what was within the scope of your request.

Yours sincerely,

Buddug Saer

**Freedom of Information Manager  
Welsh Parliament**

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 Welsh Parliament'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@senedd.wales** or in writing to

Welsh Parliament  
Governance and Assurance  
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## **Annex**

### **Section 40 FOIA: disclosure of personal data would be in breach of the UK GDPR**

Some of the information sought falls within the definition of personal data as set out in Article 4 of the UK General Data Protection Regulation ("UK 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 UK 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 UK 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.

The risk assessment contains the personal information of Senedd Commission staff; specifically names and job titles. The seniority and nature of those roles varies.

In addressing whether 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. In relation to the personal data which has been redacted, our conclusion is that disclosure would be unfair. Those individuals do not hold senior positions or have a public facing role in the Senedd Commission. They would have no expectation that their names and details of their roles would be made public by releasing the whole document. (By contrast, the personal data of senior staff who have public facing roles remains in the document.)

Notwithstanding our view as to fairness, we went on to consider Article 6 of the UK GDPR. None of the legal bases in Article 6 is 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 the remaining content of the document. The arguments in favour of disclosing the withheld information does not, in our view, outweigh the interests, fundamental rights or freedoms of the data subjects whose personal data has been redacted.

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

## Section 24 FOIA: Safeguarding national security

Section 24(1) of the Act provides:-

- *Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.*

There is no definition of “national security” in the FOIA. However, the Information Tribunal in Norman Baker v the Information Commissioner and the Cabinet Office (EA/2006/0045 4 April 2007) summarised that “national security” includes the protection of democracy and the constitutional systems of the state.

We consider it necessary to withhold some information in order to prevent harm, or the risk of harm, occurring to Senedd Members, Senedd Members’ Support Staff, Senedd Commission staff, visitors and other users of the Senedd estate, as well as to the infrastructure and buildings themselves.

Although your request does not directly seek information about the Senedd estate’s security arrangements, the risk assessment includes detailed floor plans of parts of our estate and the risk in the disclosure of this information is that there is a genuine likelihood it would damage the effectiveness and integrity of our security arrangements. Disclosure would reveal access routes, room locations, and entry and exit points within the Senedd estate, potentially showing the strength or weakness of the security arrangements in place.

This exemption is a qualified exemption, and as such, the public interest in upholding the exemption must be considered. Whilst we accept that there is a strong public interest in transparency in general, it is our considered opinion, however, that the release of this information is likely to compromise our security and it could be used to plan an attack on our estate.

In reaching this view, we are mindful that disclosures in response to FOIA requests are seen as being to the ‘world at large’ (as opposed to being to the individual requester), that the Senedd estate has been given a designation under the Serious Organised Crime and Police Act 2005 (SOCPA) and grants us particular security protection and that the

current threat level from international terrorism in the UK is assessed as substantial, which can be viewed at:- <https://www.mi5.gov.uk/threat-levels>

In view of the current threat level and in consideration of continuing security exercises and precautionary measures being adopted in some major cities and public buildings, the public interest arguments for withholding the information, in our view, outweigh the public interest in disclosure.

### **Section 38 FOIA: Health and safety**

Section 38(1)(b) of the Act provides:

- *Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the safety of any individual.*

The focus of section 38(1)(b) FOIA is on information that might pose a risk if disclosed. This includes information that could lead to a risk to the safety of Members of the Senedd and their support staff, Commission staff, visitors and other individuals on the Senedd estate.

Section 38 is subject to an endangerment test. We must, therefore, be satisfied that the endangerment would result from the disclosure of the information. Endangering safety is usually connected to the protection of individuals.

Some people or groups of society are particularly vulnerable, and their safety may be more easily endangered than others. This includes public facing figures, such as Members of the Senedd, who are required to publicly express their political views. This can bring them into conflict with individuals or groups who may hold opposing views and seek to cause them, and those around them, harm as a result.

By disclosing detailed floor plans of certain parts of the Senedd estate, including room names and locations, access routes, and entry and exit points, this would have the effect of increasing the risk of groups and/or individuals exposing vulnerabilities in the Senedd's security arrangements, which in turn increases the risk to those who work at and visit the Senedd estate.

We then went on to consider the public interest test. As part of this test, there is a need to balance the risks to the health and safety of an individual or group against the public

interest in holding the Senedd and the Senedd Commission to account. This test must be applied on a case by case basis.

There is a clear public interest in the Senedd and the Commission being transparent in its workings so that it can be held to account. However, there is also a strong public interest in withholding information that would undermine the security arrangements in place to protect the safety of groups and individuals, as well as allow known individuals, such as public facing figures, to be targeted.

In this case, our view is that the public interest in favour of disclosure does not outweigh the need to protect the integrity of the security arrangements in place to protect the Senedd and its estate, and those who work on and visit the estate.