

Salaries of employees of the National Assembly for Wales

20 July 2010

Dear

Request for Information.

I refer to your request received on 24 May 2010 in which you asked, *'How many people are employed by The National Assembly for Wales (Including the First and other Ministers) on annual starting salaries of £30,000 or more in each category (Up to whatever the top figure is) together with job titles and actual salary range'?*

Also,

, 'What percentage in added benefits (pension scheme, expenses, bonus, holidays, sick pay, etc.) and cost can be added to the particular salary range given, as a true cost to the council in respect of employing that person'?

I wrote to you on 18 June responding to the second part of your request so here I write in response to the first part. (You will be aware of the fact that neither the First Minister nor other Ministers, nor indeed Assembly Members generally, are employees of the Assembly. This response relates solely to Assembly staff.)

Since your request relates to the salaries of the holders of posts, identified by reference to job title, it falls within the definition of personal data in the Data Protection Act 1998 ("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

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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 set out below.

The first data protection principle as set out in schedule 1 of 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.”

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.”

We have given careful consideration to these considerations and agree that there is a legitimate public interest in knowing the salary scales for senior management of the organisation (that is, those on salary bands E-1 and above), having regard to the extent of their responsibility for decision making and to the comparability of their roles to those of other public sector organisations in Wales. We are further of the view that the public interest in question outweighs the prejudice to the right of privacy of the individuals in question. The table below details the job titles and salary bands of all staff in the salary bands S1 and S2, and in Executive Band E1 (ie above £54,500).

Job Title	Salary band	Salary Range	FTE
Chief Executive and Clerk to the Assembly	S-1	£122,401 to £144,519	1
Chief Operating officer	S-2	£95,407 to £117,423	1
Director of Assembly Business	S-2	£95,407 to £117,423	1
Director of Legal Services	S-2	£95,407 to £117,423	1
Constitutional Adviser - Salaried Appointment		£75,000 to £80,000	0.8
Head of Change Programme	E-1	£54,500 to £66,800	1
Head of Corporate Unit	E-1	£54,500 to £66,800	0.4
Senior Legal Advisers (2)	E-1	£54,500 to £66,800	1
Head of Assembly Resources	E-1	£54,500 to £66,800	1
Head of Estates and ICT	E-1	£54,500 to £66,800	1

Head of MRS	E-1	£54,500 to £66,800	1
Head of Legislation and Chamber Services	E-1	£54,500 to £66,800	1
Head of TRS	E-1	£54,500 to £66,800	1
Head of Assembly Committees	E-1	£54,500 to £66,800	1
Head of External Communications	E-1	£54,500 to £66,800	0.6

Information regarding the salaries of the Chief Executive and the Directors is published routinely as part of the annual accounts. The annual report and statement of accounts is available at;

<http://www.assemblywales.org/abthome/abt-nafw/abt-commission.htm>

For staff levels below Executive Band 1, it is our opinion that, having regard to the nature of their responsibilities and in many cases the unique and non-comparable nature of their roles, there is not sufficient legitimate public interest in disclosure of the personal data in question to outweigh their right to privacy, that the conditions of paragraph 6 are not satisfied and that the information relating to them is therefore exempt from disclosure.

However, I am able to provide the salary bands and number of staff employed by the Assembly Commission in each of the categories below E-1 in the table below (but without disclosing job titles). This information relates to all staff earning more than £30,000 (other than those covered by the information provided above).

Band	Salary range	Number in post
S-1 (Senior band)	£122,401 - £144,519	1
S-2 (Senior band)	£95,407 - £117,423	3
S-3 (Senior band)	£74,366 - £91,526	0
E-1 (Executive band)	£54,500 - £66,800	11
E-2 (Executive band)	£44,000 - £54,400	29
M-1 (Management band)	£34,000 - £42,000	52
Salaried Appointment	£75,000 - £80,000	1
Total		97

As advised previously the current pay scales are published on the Assembly website at;

<http://www.assemblywales.org/gethome/working/recruitment/get-working-working-comm-assembly-jobs/pay-scales.htm>.

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/abt-foi/abt-foi-cop-pub.htm>. If you have any questions regarding this response please contact me.

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.assemblywales.org/conhome/con-complaint.htm>. 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

Yours sincerely

Kevin Willoughby
Access to Information Manager
National Assembly for Wales