

# Vehicle Information

27 October 2014

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



## Request for Information.

Thank you for your request received on 14 October in which you asked:

*For this Assembly (May 2011-Sept 2014) please provide details of the cost of providing ministers, members and any other Assembly personnel chauffeur driven cars, specifically:*

- 1) What is the total capital outlay for cars for Members and Ministers, including costs of any modifications applied to the vehicles?*
- 2) What were the annual running costs for the last financial year, including
  - a. depreciation of capital vehicles,*
  - b. drivers' wages,*
  - c. insurance,*
  - d. maintenance,*
  - e. fuel,*
  - f. VED and any other cost directly related to the operating of the chauffeur driven car service.**
- 3) If the vehicles are leased please provide full details of annual lease costs for the fleet.*

The response below relates to information that we hold regarding Assembly Members. I understand that the Ministerial element of your request has been transferred to the Welsh Government.

Your request has been dealt with under both the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

- 1) There has been no capital outlay for vehicles in the Fourth Assembly.

We have a contract in place to lease a car used by the Presiding Officers. The details of the contract is available on our website by following the link below:

<http://www.assemblywales.org/NAfW%20Documents/Get%20Involved%20documents/Contract-Schedule-04-09-2014.pdf>

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You can locate the relevant information in row 22.

2)

a. Zero – as previously mentioned, no vehicles are owned.

b. We employ one individual as a driver (“the employee”). However, it is not possible to provide the total expenditure associated with the employee’s driving duties in isolation. This is because the employee’s duties also include support and administrative work as part of the Presiding Officers’ private office. Consequently driving is just one element of the employee’s duties and the amount of time spent between driving and other duties varies from week to week. Notwithstanding the above, we have given consideration to a disclosure of information regarding the employee’s salary. Our conclusion is that such a disclosure would contravene the data protection principles and that, as such, would be exempt from disclosure under section 40(2) and section 40(3)(a)(i) of the Freedom of Information Act 2000. Further reasoning for this conclusion is set out in the [annex](#) to this letter.

c. d. e. Please see the table below which answers all three questions.

<b>Financial Year</b>	<b>Insurance</b>	<b>Maintenance</b>	<b>Fuel expenditure</b>
May 2011 – Mar. 2012	£2,592.76	£132.48	£3677.71
Apr. 2012 – Mar. 2013	£2,592.76	£1408.81	£2978.57
Apr. 2013 – Mar. 2014	£2,015.06	£393.95	£2710.57
Apr. 2014 – Sept. 2014	£2,015.06 (full year)	£97.48	£982.62

f. Vehicle Excise Duty is captured below in the annual lease costs.

3) Annual lease cost are provided in the table below:

<b>Financial Year</b>	<b>Lease cost</b>
May 2011 – Mar. 2012	£7232.17
Apr. 2012 – Mar. 2013	£8680.74
Apr. 2013 – Mar. 2014	£7103.88
Apr. 2014 – Sept. 2014	£3551.94

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](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

**Buddug Saer**  
**Programme Officer**  
**National Assembly for Wales**

## Annex

Your request asks for the total expenditure of employing drivers/chauffeurs.

We employ one person in that role. As such the information 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 (‘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 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.”

In addressing whether a disclosure would be fair we have considered the consequences of disclosure, the employee’s reasonable expectations and the balance between the employee’s rights and any legitimate interest in disclosure. Our conclusion is that a disclosure would be unfair. A summary of our consideration follows.

A disclosure of the employee’s salary would relate to the employee as an individual and would be about the employee’s personal financial circumstances. The employee would not have a reasonable expectation of disclosure of salary details. The role is neither senior nor public facing, i.e. the employee is not responsible for major policy decisions and does not represent the Assembly to the outside world. A disclosure would, in our view, represent an unjustified intrusion into the employee’s privacy.

We recognise that there is a legitimate interest knowing that public bodies spend public money both wisely and appropriately. However, given the varied nature of the employee’s role we are mindful that a disclosure of salary details would not, in fact, meet your request.

Notwithstanding our view as to fairness, we went on to consider Schedule 2 to the Data Protection Act 1998. One of the conditions in Schedule 2 is that the individual has given consent to a disclosure. We consulted with our

employee as to a potential disclosure. The employee objected to a disclosure indicating that it would cause distress.

The only other condition in Schedule 2 which would potentially allow disclosure (in the absence of consent) is condition 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:

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

As indicated above, whilst we accept that there is a legitimate public interest in knowing that public funds are used prudently, on this occasion, we do not believe the disclosure would satisfy that interest in any event and that a disclosure would cause an unwarranted interference with the employee’s right to privacy. In the circumstances, our conclusion would be that it would not be possible to meet a Schedule 2 condition.

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.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