

## Parliamentary estate - December 8/9

17 February 2021

### Request for Information.

Thank you for your request received on 22 January 2021 in which you asked:

*Regarding the inquiry into whether Members of the Senedd broke rules relating to the COVID restrictions and their conduct on the parliamentary estate on Dec 8/9 2020 (as reported in the press on Jan 20 2021), can you confirm whether or not CCTV equipment was installed in the room(s) where those under investigation were present during the evening of December 8 and early hours of December 9 2020. If so, has the CCTV footage been reviewed as part of the investigation, and if not, will it be?*

I can confirm that we hold the information requested. However, having given careful consideration to the information captured by your request concerning the location of CCTV equipment, 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 Freedom of Information Act 2000 (FOIA) respectively.

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

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Yours sincerely

**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  
Cardiff Bay  
Cardiff  
CF99 1SN

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**

### **Section 24 FOIA**

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 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 this information in order to prevent harm, or the risk of harm, occurring to Senedd Members, Senedd Members Support Staff, Senedd Commission staff, and visitors to the Senedd estate, as well as the infrastructure and buildings of the Senedd itself.

The information covered by the request directly relates to arrangements for the security of the Senedd estate. The risk in the disclosure of this information is that there is a genuine likelihood it will damage the effectiveness and integrity of those arrangements. Revealing the locations of cameras would provide information on the security capabilities within the Senedd estate, 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. There is a strong public interest in transparency in general, especially in relation to the Senedd and the Senedd Commission. It is our considered opinion however, that the release of this information is likely to materially damage the integrity and effectiveness of the Senedd’s security arrangements.

At present, 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>

The Senedd has a strong record of openness and accountability and information of the nature requested may, in the past, been made available to the public. In view of the high threat level however, 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**

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 information concerning the security arrangements in place at the Senedd, including the location of CCTV equipment, 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 to account. This test must be applied on a case by case basis.

There is a clear public interest in the Senedd 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 a security system 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.