

Additional request to Training Costs for Support Staff

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



30 July 2014

Request for Information

Thank you for your request received on 8 July in which you asked:

Further to Fol 551, about the 'further and higher education' marked for 2007-08 and 2013-14, is it possible to find out which AMs signed off this training and precisely what FE/HE courses they relate to?

As previously mentioned in our response to Fol 551, before 2011, the cost of training and development for Assembly Member Support Staff (AMSS) was met by the Assembly Members' staffing budget and jointly approved by the individual Assembly Member and the Fees Office (now the [Members' Business Support](#) team).

Since 2011, Assembly officials within the central Continuous Professional Development (CPD) team assess each business case before any training is approved. Not all training requests submitted are approved. Individual Assembly Members do not participate in this decision-making.

With regards to the precise FE/HE courses undertaken, we feel that the public interest has been served by the disclosure already made in [Fol 551](#) on 8 July.

In any event, we feel that a further disclosure would contravene the first data protection principle set out in 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. Further reasoning for this conclusion is set out in the [annex](#) to this letter.

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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

Buddug Saer
Programme Officer
National Assembly for Wales

Annex

The information sought (precisely what FE/HE courses were undertaken in 2007-08 and 2013-14) falls within the definition of personal data in the Data Protection Act 1998 ("the Act") 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 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 Act 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. The training and development of Assembly Members' Support Staff is a matter for the individual Assembly Member as employer. The Continuous Professional Development (CPD) team assess each business case before any training is approved.

Further, the role of Assembly Members' support staff is to support the Member. Their role is neither senior nor public facing for example in comparison to Assembly Members as elected representatives. They have no expectation that their individual training requirements and the training courses which they attend will be made public and a disclosure would, in our view, represent an unjustified intrusion into their privacy.

Notwithstanding our view as to fairness, we went on to consider Schedule 2 to the Act. 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 this particular case, the details as to the training and development of support staff (including cost) has already been given in a previous disclosure (Fol 551).

Assembly Members need the necessary support to fulfil their functions, the training and development of their staff is part of this and in our view, the public interest was met, in this particular instance, by the disclosure in an anonymised form in Fol 551. Our conclusion, therefore, is that providing further detail about the precise FE/HE courses undertaken would not meet any of the conditions set out in Schedule 2.

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
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