



## Muslim Engagement & Development (MEND) event

27 May 2021

### Request for Information.

Thank you for your request received on 27 April in which you asked:

*Dear Sir/Madam*

*Please provide the following information under the terms of the 'Freedom of Information Act':*

- 1) All copies of correspondence with Senedd staff relating to the organisation of the event hosted by Muslim Engagement & Development (MEND) for 'Islamophobia Awareness Month' on 5th November 2019, sponsored by Leanne Wood. This includes (but is not limited to) correspondence between Leanne Wood and Senedd staff, and MEND and Senedd staff.*
- 2) If any record of a discussion of the intention to organise this event is documented in a form other than correspondence, e.g. at a meeting of Senedd staff or Members of Parliament, could it also be disclosed, please?*
- 3) All copies of presentations made during the event, if copies are available, and/or video or audio recording if available*

**<https://www.jomec.co.uk/altcardiff/no-logo/changemakers-come-together-launch-islamophobia-awareness-month-wales>**

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Bae Caerdydd  
Caerdydd, CF99 1SN

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[Information-request@senedd.wales](mailto:Information-request@senedd.wales)

We hold information in relation to question 1 and that information is attached. (Please email [informationrequest@senedd.wales](mailto:informationrequest@senedd.wales) to receive this information). We hold no recorded information in relation to questions 2 and 3.

Some of the information captured has been redacted because it contains personal data that is exempt from disclosure under the 'personal information' exemption set out in section 40(2) of the Freedom of Information Act 2000 (FOIA). This exemption applies where the requested information constitutes personal data and disclosure would contravene any of the data protection principles set out in the United Kingdom General Data Protection Regulation (UK GDPR).

Further reasoning to the exemption is included in the **Annex** to this letter.

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

The definition of personal data is set out in Article 4 of the UK GDPR, being:

“any information relating to an identified or identifiable 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, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

The information captured by your request contains personal information relating to Senedd Commission (“the Commission”) employees, Leanne Wood’s support staff and MEND staff, including names, job titles, email addresses and telephone numbers. The email attachments also contain the names of those individuals who attended the event.

Personal information is exempt from disclosure under section 40(2) and section 40(3A)(a) of FOIA where disclosure would contravene one or more of the data protection principles set out in 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 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 disclosure would be unfair.

The Commission staff involved in the organisation of this event do not have an expectation that their personal information will be released as part of a FOIA disclosure, nor do they have a level of seniority within the Commission that would warrant a decreased expectation of privacy. Likewise, the information captured by your request includes personal data relating to other individuals who are not employed by the Commission. These individuals are not subject to the same level of public scrutiny as, for example, elected representatives (whose personal information we have not redacted), so

we have not disclosed personal information where it does not carry an expectation of disclosure to other third parties.

In any case, our view is that this personal information does not add to the substance of our response, as the main bulk of the captured information is being disclosed to you.

Notwithstanding my view as to fairness, I 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 the legitimate interests pursued by the controller or by a 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 subjects.

We have given careful consideration to the relevant interests which include: the Commission’s obligations under the UK GDPR and the Data Protection Act 2018; your right to access this information; the individuals’ concerned and their right to privacy; and the public interest in this information being disclosed.

We accept that there is inherently a public interest in transparency in general, as well as a public interest in how the Senedd estate and Commission resources (as a public body) are used. However, in our view, this does not outweigh the interests, fundamental rights or freedoms of the data subjects whose personal information we have withheld.

Commission staff also have minimal involvement with the external organisation(s), who liaise primarily with the Member’s office.

Staff and volunteers of external organisations are ultimately accountable to the organisation whom they serve, and there is not generally a strong public interest in the disclosure of their personal information that would override their interests, fundamental rights or freedoms. Likewise, support staff employed by Members of the Senedd are

accountable to their employer, rather than the public in general. It is their employer, as an elected representative, who is ultimately accountable to the public.

In any case, and as outlined above, it is our view that the crux of your request is satisfied without there being a need to provide this personal information. In other words, providing this information would not add to the substance of our response.

The information captured contains the personal information of former Members of the Senedd. As former elected representatives and given the public nature of the event, there are stronger public interest arguments in favour of disclosure, and we have therefore disclosed this information.

In our view, the information provided in its redacted form is a balanced way of meeting the public interest, whilst ensuring the interests, fundamental rights or freedoms of individuals are not jeopardised.