

Correspondence between the Fees Office and the Assembly Conservative Group

15 July 2010

Dear

Request for Information.

I refer to your request received on 7 June 2010 in which you asked for the following information:

- *All correspondence between the Fees Office and Alun Cairns since 01 March 2010 (please include e-mails / letters /or notes of any verbal advice given.)*
- *All correspondence between the Fees Office and Alun Cairns' office since 01 March 2010 (please include e-mails / letters /or notes of any verbal advice given.)*
- All correspondence between the Fees Office and the Assembly Conservative Group since 01 March 2010 (please include e-mails / letters /or notes of any verbal advice given.)

I have given your request full consideration according to the Freedom of Information Act 2000 and Data Protection Act 1998 principles.

I am able to confirm that information falling within the descriptions set out above is held by the Assembly.

However, I am of the opinion that information in question is exempt from disclosure for the following reasons.

Firstly, all the written communications captured by your request consist of communications between the Members' Business Support Team (Fees Office) and an Assembly Member, his staff and the staff of one of the Assembly party groups in relation to the effect of the various National Assembly for Wales Commission determinations relating to salaries and allowances. Having

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considered the nature of the communications the Assembly's Presiding Officer has, as Qualified person (under 36(5)(g) of the Freedom of Information Act 2000), indicated that in his opinion disclosure of information of this kind would be likely to inhibit the free and frank giving of advice to Assembly Members by staff of the Assembly Commission and/or the effective conduct of public affairs in relation to the work of the National Assembly for Wales.

The information requested is therefore exempt from disclosure under section 36(2) of the Freedom of Information Act 2000.

I have further considered whether the public interest supports a decision to withhold the information on this ground. I consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Indeed, I am satisfied, having considered the communications in question, that there is no public interest in disclosing them.

Secondly, some (although not all) of the communications in question (including all those falling under the first part of the request) constitute personal data and are therefore exempt from disclosure under Section 40 of the Freedom of Information Act 2000 except to the extent that disclosure could be made without contravening any of the data protection principles set out in the Data Protection Act 1998.

The first data protection principle, as set out in schedule 1, 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 is 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.'

I have given careful consideration to the question of whether there is a public interest in disclosing the information in question which outweighs the right to privacy of the individual to which the data relates. I am satisfied that there is no public interest in disclosure of the information requested, and therefore the condition in paragraph 6 is not met in this instance.

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

Alison Rutherford
Access to Information Coordinator
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