



Llywodraeth Cymru
Welsh Government

E-mail request

Laura Ko

request-856148-98453e8b@whatdotheyknow.com

Our ref: ATISN 16278

Date: 19 May 2022

Dear Laura Ko

ATISN 16278

Thank you for your request which I received on 21 April 2022. The information requested is shown at Annex 1 and the accompanying attachments.

Some of the information captured by your request is exempt under Section 40(2) of the Freedom of Information Act 2000 and has therefore been redacted accordingly. Please see details on this exemption at Annex 2.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or e-mail: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House, Water Lane
Wilmslow
Cheshire
SK9 5AF



BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

Parc Cathays • Cathays Park
Caerdydd • Cardiff
CF10 3NQ

CentralDepartments-FOI/DP@gov.wales
Gwefan • website: www.llyw.cymru
www.gov.wales

Telephone: 0303 123 1113

Website: www.ico.org.uk

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Joanne Glenn

Annex 1 - ATISN 16278

1. Any application you made (or intend to make) in 2021 or 2022 to be a "Stonewall Diversity Champion" or to be included on Stonewall's "Workplace Equality Index," including any attachments or appendices to those applications. Please redact personal details if necessary.

We were members of the Stonewall Diversity Champion Scheme in 2021 and are again in 2022. We did not make a submission to the Stonewall Workplace Equality Index in 2021. We intend to make a submission to the Workplace Equality Index in 2022. A copy of this is attached, with the accompanying documents. Please note that it is a very early working draft, which may bear no resemblance to the final version that we submit. We have only started working on the first 2 sections.

**Attachment 1:
Draft Workplace Equality Index Submission**

**Attachment 2:
Welsh Government Equality & Diversity Policy**

**Attachment 3:
Welsh Government Dignity at Work Policy**

**Attachment 4:
Welsh Government Maternity & Adoption Leave Policy**

**Attachment 5:
Screenshot Welsh Government Website Jobs Page:**

**Attachment 6:
Screenshots Chief Operating Officer Job ad and Job pack:**

2. Any feedback you received in 2021, or to date, from Stonewall in relation to either application or programme.

We received no feedback from Stonewall in 2021.

3. Any other communication you have received from Stonewall in 2021 or 2022 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).

As you have not clarified if you are seeking communication information only in relation to the Diversity Champion scheme, or any and all communication between Stonewall and the Welsh Government, we have taken this to mean that your request is in relation to the Diversity Champion Scheme.

**Attachment 7:
Email from Stonewall to Welsh Government dated 12 July 2021**

**Attachment 8:
Email from Stonewall to Welsh Government dated 27 July 2021**

Attachment 9:

Email from Stonewall to Welsh Government dated 04 August 2021

Attachment 10:

Email from Stonewall to Welsh Government dated 07 March 2022

Attachment 11:

Email from Stonewall to Welsh Government dated 08 March 2022

Attachment 12:

Email from Stonewall to Welsh Government dated 03 May 2022

Attachment 13:

Emails from Stonewall to Welsh Government dated 03 May 2022

4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).

No equality impact assessment was undertaken in relation to becoming a Stonewall Diversity Champion.

5. Details of the total amount of money you paid to Stonewall (i) in 2021; (ii) in 2022, whether or not as payment for goods or services.

As you have not clarified if you are seeking funding information only in relation to the Diversity Champion scheme, or information on any and all funding paid to Stonewall by the Welsh Government, we have taken this to mean that your request is in relation to the Diversity Champion Scheme:

2021 - £6,000 for Stonewall Diversity Champion membership

2022 - £6,000 for Stonewall Diversity Champion membership

6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.

We will review on an annual basis.

ATISN 16278 - Annex 2

Section 40(2) – Personal Data

Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 1998 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual 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 the individual. I have concluded that this relates to the names and personal pronouns (and other associated personal information) of those exchanging correspondence.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

“processed lawfully, fairly and in a transparent manner in relation to the data subject”

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

“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”.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. The Balancing test: Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate Interest Test

The Welsh Government recognises there is a legitimate interest in being able to identify individuals involved in any discussions (to help understand the reason for their involvement). We do not believe, however, there is any legitimate reason why the personal data would need to be released in order to follow and understand those discussions. The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

2. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request - we do not believe it is necessary to disclose the personal data to understand the information.

3. The Balancing Test

As it has been concluded it is not necessary to disclose the personal information caught by the request, there is no requirement to balance the rights and interests of those individuals against the rights, under FOIA, of the requester.

To conclude, as release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under Section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.