



Llywodraeth Cymru
Welsh Government

E-mail request

Our ref: ATISN 14953

Date: 25 March 2021

Dear

ATISN 14953

Thank you for your request which I received on 26 February 2021. With regard to Welsh Government overseas offices, you asked the following information for on each office for the period 1.1.2000 and 1.1.2021:

- How many staff employed in each office.
- The total annual cost to run each office, broken down into, wages, expenses, building costs.
- Number and nature of official functions attended by staff from each office and the numbers of staff attending each event. The resultant actual investment into Wales as a result of attending each event,
- The numbers of staff related by birth or marriage to any MS.

You confirmed that you were seeking information for the full 21 year period. I have set out at Annex 1, my response to each of your questions.

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 Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.



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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.

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

Yours sincerely

Annex 1

Question 1 - How many staff employed in each office?

Location	Number of staff in post:							
	2021	2020	2019	2018	2017	2016	2015	2014
Atlanta	1	1	1	1	1	1	-	-
Bangalore	1	1	1	1	1	1	1	1
Beijing	1	1	1	1	1	1	1	1
Berlin	2	2	2	1	-	-	-	-
Brussels	8	8	8	8	8	7	6	6
Chicago	1	1	1	1	1	1	1	1
Chongqing	3	3	3	3	3	2	5	5
Doha	1	1	1	1	-	-	-	-
Dubai	2	2	2	2	2	2	3	2
Dublin	2	2	2	2	1	1	1	1
Dusseldorf	1	1	1	1	-	-	-	-
Montreal	2	2	2	2	-	-	-	-
Mumbai	2	2	2	2	2	2	2	2
New Delhi	1	1	1	1	1	1	1	1
New York	2	2	2	2	2	1	3	3
Paris	2	2	2	1	-	-	-	-
San Francisco	1	1	1	1	1	1	1	1
Shanghai	1	1	1	1	1	1	1	1
Tokyo	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
Washington DC	3	3	3	3	3	3	3	2
TOTAL	40.5	40.5	40.5	38.5	31.5	28.5	32.5	30.5

You have requested information over a 21 year period. We have supplied information for the period 2014-2021. Prior to 2014 this information is held on separate recording systems, including a large number of paper records, and is not readily available. I have reached the conclusion that it will cost more than the appropriate limit established in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to consider the remaining years past 2014.

The appropriate limit specified for central government is £600. When calculating whether or not your request exceeds appropriate limit, I am allowed to consider the time it is likely to take to establish if we hold the information, locate the information, retrieve the information and extract it. If these tasks are estimated to take more than 24 hours of working time, the limit will have been exceeded.

Question 2 - The total annual cost to run each office, broken down into, wages, expenses, building costs.

Information on the running costs of the overseas offices are exempt under Section 21 of the Freedom of Information Act (2000) – information readily accessible to the applicant by other means. Information can be found within respective State of the Estate reports at the following link <https://gov.wales/state-estate-report-2018-to-2019>. No information is held for the previous years.

Information on individual salaries is exempt under Section 40 of the Act. Data protection legislation requires us to protect personal information being held in relation to individual members of staff, and others, and to ensure that it is only used for the purposes for which it was collected. As there are a small number of staff in each of the offices, disclosure of the total staff costs for each office is likely to allow the actual salaries of each individual to be identified. We believe that releasing this information would be in breach of the Data Protection Act.

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 salary of staff.

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:

- The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;

- The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- 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 expenditure from the public purse. We do not believe, however, there is any legitimate reason why the personal data would need to be released in order to make public the expenditure in this area.

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 where it could lead to identification of individual's personal data.

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.

Question 3 - Number and nature of official functions attended by staff from each office and the numbers of staff attending each event. The resultant actual investment into Wales as a result of attending each event?

The Welsh Government does not hold this information. A company's decision to invest can take a number of years and is the result of a culmination of different factors. Therefore it is not possible to trace investment decisions back to a single event or meeting.

Question 4 - The number of staff related by birth or marriage to any MS.

No information held.