



Llywodraeth Cymru
Welsh Government

04 May 2021

Dear

ATISN 15050: Covid-19 Woodland Management – Coed Lleol and Welsh Government Correspondence

Thank you for your request which I received on 6th April.

You asked for the following information:

1. A copy of all correspondence between the Welsh Government and Coed Lleol with regards to woodland management during Covid-19, within the period October 2020-end March 2021.

I confirm that we hold the recorded information relating to your request. A copy of this is enclosed at annex A.

Further guidance related to forestry work during coronavirus can be found at <https://gov.wales/forestry-businesses-coronavirus-guidance>. This includes the latest guidance from the Forest Industry Safety Accord (FISA), which should be read alongside the Welsh Government's guidance on regulations in Wales.

I have redacted some personal details from the email chain in annex A under Section 40(2) of the Freedom of Information Act.

Section 40(2) of the Freedom of Information Act (FOIA) sets out an exemption from the right to know if the information requested is personal information of someone other than the requester and is protected by the Data Protection Act 2018 (DPA).

Personal data is defined in Section 3(2) of the DPA as:

“Personal data” means any information relating to an identified or identifiable living individual

We have concluded that, in this instance, the personal details of the email correspondent amounts to the personal data of others than the person submitting the request.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



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Government Buildings, Cathays
Park, CARDIFF CF103NQ

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 General Data Protection Regulations (GDPR). We consider the principle being most relevant in this instance as being the first.

The first GDPR principle.

This states:

.....that personal data shall be:

a) processed lawfully, fairly and in a transparent manner in relation to individuals;

We consider that the information highlighted falls within the description of personal data as defined by the DPA and that its disclosure would breach the first data protection principle.

Guidance from the Information Commissioner's Office (Personal information (section 40 and regulation 13) v 1.4) states:

If disclosure would not be fair, then the information is exempt from disclosure.

This approach was endorsed by the Court of Appeal in the case of Deborah Clark v the Information Commissioner and East Hertfordshire District Council where it was held:

"The first data protection principle entails a consideration of whether it would be fair to disclose the personal data in all the circumstances. The Commissioner determined that it would not be fair to disclose the requested information and thus the first data protection principle would be breached. (paragraph 63).

In this instance, we believe the data subjects have no expectation that their personal information would be made public. Furthermore disclosure of their information into the public domain would allow the public to make use of contact details intended for private communication, because disclosure under FOI is disclosure to the world and not just to the requestor of the information. This would be unfair processing under the data protection principals.

Thus, we believe release of this information would be unfair and so breach the first data protection principle. For that reason, the information is being withheld under section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to the public interest tests .

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

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Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner who 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

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