



Ein cyf/Our ref ATISN 15128

27 May 2021

Dear ,

Request for Information – ATISN 15128

I wrote to you on 13 May regarding your request for information. Thank you for your further correspondence later that day providing clarification of your request.

Information Requested

1. Any e-mail and/or other correspondence between the Welsh Government (or others acting on behalf of the Welsh Government) with Wrexham Football Club relating to the inclusion of the Club in the coronavirus pilot test event.
2. Any internal e-mails that mention the inclusion or otherwise of Wrexham Football Club in the coronavirus pilot test.
3. Any minutes/notes from any internal meetings held to discuss the same subject.

Our Response

I confirm the Welsh Government holds some recorded information caught by your request. The recorded information we hold, which relates to questions 1 and 2, is enclosed at Annex A. Some of that information is being withheld under Section 40 of the Freedom of Information Act 2000, personal data. The reasoning for withholding this information is at Annex B.

We do not hold any recorded information caught by your third question. That said, I can advise that in more general discussions between the Welsh Government and Wrexham FC earlier this year, the club indicated its eagerness to see fans returning to the stadium and expressed an interest in participating in the test event programme.



BUDDSODDWYR | **INVESTORS**
MEWN POBL | **IN PEOPLE**

Llywodraeth Cymru /
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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 .

Next steps

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

Yours sincerely

ATISN 15128 – INFORMATION HELD

From: Wrexham FC
Sent: 11 May 2021 22:43
To: Welsh Government; Welsh Government; Welsh Government
Cc: Welsh Government
Subject: Re: Wrexham AFC

Just for ease of timing, can I suggest that you speak to XXXX, who'll be at the club tomorrow and better placed to speak to things XXXX.

XXXX number is XXXX.

I can then join any discussions later.

From: Wrexham FC
Sent: Tuesday, May 11, 2021 2:12:39 PM
To: Welsh Government; Welsh Government; Welsh Government;
Cc: Welsh Government;
Subject: Re: Wrexham AFC

Apologies for the slow response, only just saw this.

My mobile number is XXXX.

XXXX. Shall we aim to speak tomorrow. I know XXXX would be interested in joining.

From: Welsh Government
Sent: Tuesday, May 11, 2021 3:21 PM
To: Welsh Government; Welsh Government; Welsh Government;
Cc: Welsh Government; Wrexham FC
Subject: RE: Wrexham AFC

I only have a number for the club's XXXX XXXX, XXXX (XXXX). XXXX XXXX
XXXX XXXX

From: Welsh Government
Sent: 11 May 2021 15:09
To: Welsh Government; Welsh Government; Welsh Government
Cc: Welsh Government; Wrexham FC
Subject: RE: Wrexham AFC

Sorry pressed send too soon – mine is XXXX

From: Welsh Government
Sent: 11 May 2021 15:07
To: Welsh Government
Cc: Welsh Government; Welsh Government; Wrexham FC
Subject: RE: Wrexham AFC

Swmae XXX. That would be XXXX

From: Welsh Government
Sent: 11 May 2021 14:03
To: Welsh Government
Cc: Welsh Government; Welsh Government
Subject: Wrexham AFC

Hi XXX– who's best contact for discussing the play-offs / test events?

ATISN 15128 - Application of exemptions

The Freedom of information Act provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

We have decided to withhold the following information:

- Personal information contained in questions 1 and 2.

This Annex sets out the reasons for the engagement of section 40 of the Freedom of Information Act, personal information.

Engagement of S40, personal information

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 2018 ('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.

We have concluded that, in this instance, some of the information contained within the information caught by your request contains third party personal data. Specifically, this relates to names, personal e-mail addresses, telephone numbers and other identifiable information.

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 UK 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) of the UK GDPR. 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 the parties involved in any communication in order to follow the flow of that communication and to understand the views and positions expressed by each party. 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 communications. The views expressed in the communications are those of the respective organisations rather than those of the individuals concerned. As such it is irrelevant as to who made those comments. 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. It is straight forward, even when withholding the personal data, to follow the discussions and to identify the views expressed by each organisation. As such we do not believe it is necessary to disclose the personal data to allow the conversations to be followed.

Nor do we believe it is necessary to disclose the personal data in order to allow members of the public to contribute to this, or future discussions on this or any other matter. There are mechanisms by which the public can contact the relevant policy areas, such as generic mailboxes, public consultations, or writing to a Minister, etc.

3. The Balancing Test

As it has been concluded that there is no necessity to disclose the personal data of another individual, the fundamental rights and freedoms of the affected third party prevail in this instance and releasing the information cannot be justified under Article 6(1)(f).