



Llywodraeth Cymru
Welsh Government

30 June 2021

Dear

ATISN 15192 - Information requested

Thank you for your request which I received on 2 June. You asked for:

- Information regarding any analysis undertaken by the Welsh Government, or requested by the Welsh Government, regarding the feasibility of the introduction of Universal Basic Income / Universal Basic Income pilots in Wales.

I can confirm that Welsh Government does not hold any information of this description.

- copies of any correspondence between the Welsh Government (officials and Ministers) and external stakeholders regarding Universal Basic Income pilots in Wales.

Copies of this information are enclosed. However, some of the information is exempt from disclosure under sections 40 of the Freedom of Information Act and is therefore withheld:

Personal information regarding a 3rd parties personal circumstances. The reasons for applying these exemptions are set out in full at Annex A to this letter.

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.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.

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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Parc Cathays • Cathays Park
Caerdydd • Cardiff
CF10 3NQ

ANNEX A

Freedom of Information Act 2000: Section 40(2)

Section 40(2) 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, the information requested contains third party personal data.

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:

Legitimate interests

Welsh Government acknowledges the legitimate interest in seeking information about the Basic Income pilot and the openness and transparency that the release of such information would engender.

Is disclosure necessary?

However, Welsh Government believes that this interest is satisfied by releasing the names of the organisations that we are in correspondence with. The information redacted amounts to personal comments within that correspondence that are minor and incidental to the information actually being requested.

The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

As stated above, the information in question was provided by an individual in the course of their correspondence as representatives of their organisation. The individuals would have no expectation that their personal data would be made public. Welsh Government believes that the legitimate interest in this information has been satisfied by the release of the information attached and that the redacted information adds nothing further by way of detail and that any interest in releasing is outweighed by the protection of the rights and freedoms of the data subjects.

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.