

19 November 2021

Dear

ATISN 15645 – Extinction Rebellion

Thank you for your request which I received on 1 November 2021. You asked for:

1. Minutes and/or transcripts of all meetings between Welsh Government (WG) officials and Extinction Rebellion in September and October of 2020 and January and March of 2021.
2. Copies of correspondence between WG and Extinction Rebellion as per this schedule:
 1. May 2019 - Correspondence between the Minister for Rural Affairs, North Wales & Trefnydd (MinRANWT) and Extinction Rebellion.
 2. July 2019 - Correspondence between MinRANWT and Extinction Rebellion.
 3. September 2019 - Correspondence between MinRANWT and Extinction Rebellion.
 4. November 2019 - Correspondence between MinRANWT and Extinction Rebellion.
 5. December 2019 – Correspondence between MinRANWT and Extinction Rebellion.
 6. December 2019 – Correspondence between MinRANWT and Extinction Rebellion.
 7. June 2020 - Correspondence between MinRANWT and Extinction Rebellion.
 8. June 2020 - Correspondence between MinRANWT and Extinction Rebellion.
 9. February 2021 - Correspondence between MinRANWT and Extinction Rebellion.
 10. June 2021 - Correspondence between the Minister for Climate Change (MCC) and Extinction Rebellion.
 11. June 2021 - Correspondence between the Minister for Climate Change (MCC) and Extinction Rebellion.
 12. July 2021 - Correspondence between the Deputy Minister for Climate Change (DMCC) and Extinction Rebellion.

Our response

A copy of the information is enclosed.

The 12 items of correspondence are numbered as per the above schedule. I have searched and located meeting notes for one meeting only, this being the meeting of January 2021.

I have spoken to officials to understand why there are no notes of the other meetings mentioned in our written answer. I understand that the meeting in September was an informal pre-meet of one official with Extinction Rebellion ahead of their meeting the PS Minister for Environment, Energy and Rural Affairs to better understand the agenda of the Ministerial meeting, and no notes were retained. The October meetings were informal meetings of officials with Extinction Rebellion in preparation for their participation at Wales Climate Week and no notes were taken.

The March 2021 meeting was held with Extinction Rebellion Newport to update them about progress in developing the Net Zero Wales Plan, and no notes were taken.

I have decided that some of the enclosed information is exempt from disclosure under section 40(2) of the Freedom of Information Act and/or regulation 13 of the Environmental Information Regulations – Personal Information - and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex 1 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

Annex 1

Application of FOI Section 40(2) and EIR Regulation 13 – Personal Data

The Freedom of information Act/Environmental Information Regulations provide 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.

I have decided to withhold the following information:

- Personal names and personal email addresses of correspondents.

Personal data is defined in Section 1(1) of the DPA as:

“personal data” means data which relates to a living individual who can be identified from those data; or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

We have concluded that, in this instance, the names and addresses of the correspondents within the information requested amounts to personal data. Under Section 40(2) of the FOI Act, personal data is exempt from release if disclosure would breach one of the data protection principles. We consider the principle being most relevant in this instance as being the first.

The first data protection principle states:

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—
(a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

We consider that names and addresses of correspondents clearly falls within the description of personal data as defined by the DPA and that disclosure would breach the first data protection principle. The first data protection principle has two components:

1. Personal data shall be processed fairly and lawfully and
2. Personal data shall not be processed unless at least one of the conditions in DPA schedule 2 is met

Guidance from the Information Commissioner’s Office (Personal information (section 40 and regulation 13) v 1.3) states (at p11):

- *The starting point is to consider whether it would be fair to the data subject to disclose their personal data. The key considerations in assessing this are set out in the section on Fairness below.*

- *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. There was no need in the present case therefore to consider whether any other Schedule 2 condition or conditions could be met because even if such conditions could be established, it would still not be possible to disclose the personal data without breaching the DPA” (paragraph 63).

As release under the FOIA and EIRs is release to the world, and not just the requestor, and because release of personal data would link that personal data with the Extinction Rebellion group, there must be a concern that other parties might find the published responses and make use of the personal contact details to contact the correspondents directly. This would therefore constitute unfair processing under the Data Protection Principles. For this reason the information is exempt from disclosure under FOIA Section 40(2) and inasmuch as some of the information may be deemed environmental information, it is also exempt under Regulation 13 of the EIRs.

I have, however, left in group contact information and email addresses, as this is not personal data.