

6 February 2023

Dear

ATISN 17029 – Welsh Language Partnership Council’s Equality and Inclusion and Diversity Subgroup

Information requested

Thank you for your request which I received on 9 January 2023. You asked for a range of information relating to the Welsh Language Partnership Council’s Equality and Inclusion Diversity Subgroup and work surrounding the Anti-Racism Wales Action Plan in relation to the Welsh language.

Our response

The information you requested is enclosed below. However, we have decided that some of the information is exempt from disclosure under section S40 Personal information, and other information you require is not held by the Welsh Government.

The information released corresponds with the questions you submitted.

1. *Where is information publicly available about the Welsh Language Partnership Council's Equality Inclusion and Diversity Subgroup?*

Information about the work of the Welsh Language Partnership Council can be found [here](#). The Equality, Inclusion and Diversity Subgroup is an informal forum that meets occasionally and has therefore not published any information.

2. *How were opportunities advertised for the Welsh Language Partnership Council's Equality Inclusion and Diversity Subgroup?*

A representation of the Welsh Language Partnership Council was initially nominated. They then worked with officials to identify relevant stakeholders.

3. *What proportion of the Welsh Language Partnership Council's Equality Inclusion and Diversity Subgroup are Black, Asian and minority ethnic (BAME)?*

Two thirds of the members are from Black, Asian or minority ethnic background.

4. *What proportion of the Welsh Language Partnership Council has been Black, Asian and minority ethnic (BAME) since 2012?*

Information is exempt from disclosure under section 40(1) Personal information. Full details of our application of this exemption is set out in annex A.

5. *How much money have you given to Rhieni Dros Addysg Gymraeg to "Commission the development of multilingual anti-racist resources and case*

studies to support an increase of take up in Welsh-medium education within ethnic minority communities."?

Rhieni Dros Addysg Gymraeg were awarded £15,000 in 2021 to 2022 to undertake work in this area.

6. *Where are these resources hosted?*

Resources are in the final stages of development. Once finalised and approved by the Welsh Government, they will be publicly available on Rhieni dros Addysg Gymraeg's website.

7. *Who does the government classify as a "relevant stakeholder" to the action of "Ensure the Welsh terminology used to discuss and debate anti-racism is current, appropriate, consistent and based upon input provided by Welsh speakers from ethnic minority communities"? How are relevant stakeholders identified?*

Stakeholders are routinely identified in collaboration with internal officials, advisors and external stakeholders. Relevant stakeholders in this area consisted of community members as well as linguists and terminologists.

8. *How did the Anti-racism Wales action plan give due regard to the Welsh Language measures and Welsh Language Act 1993?*

An Integrated Impact Assessment was completed for the Anti-racism Wales Action Plan. Link here: [41912 An Anti-Racist Wales: Integrated Impact Assessment \(gov.wales\)](#)

All work relating to the Anti-racism Wales Action Plan adhered to both the Welsh Language (Wales) Measure 2011 and the Welsh Language Act 1993.

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

Application of exemptions/exceptions

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.

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 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.

We have concluded that, in this instance, the information requested contains third party personal data.

Article 9 of the General Data Protection Regulations identifies special categories of personal data that are exempt from the more usual processing of personal data. Included within these special categories is the racial or ethnic origin of an individual. Information falling within these special categories of personal data cannot be processed for any purpose without the explicit consent of the data subject. Disclosure to the wider World was not included within the processing that was identified at the time the information was shared with ourselves, so we do not have the explicit consent of the data subjects to release such information into the wider public arena.

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 interests

As you have not provided any indication as to why you are seeking access to this information, we are left to assume that your interest is to identify whether or not the Black, Asian and minority ethnic community are appropriately reflected in the membership of the Welsh Language Partnership Council. If this is correct, then we accept that you have a legitimate interest in accessing the data.

2. Is disclosure necessary?

We do not, however, believe that it is necessary to disclose, what is effectively, protected personal data in this instance.

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

We believe that while you may be perusing a legitimate interest in asking for this information, we do not believe it is necessary to disclose the personal data in order to satisfy those interests. Further we do not believe any legitimate interest in accessing this personal data outweighs the fundamental rights enshrined in the DPA 2018 and GDPRs, particularly with regards to the protection of special categories of personal data. Consequentially, we believe disclosure would breach those individuals rights and thus should be withheld.