

20 February 2024

Dear

**ATISN 20196**

Thank you for your request which was received on 11 February 2024. You asked for the following information:

*Details of which accounts are blocked by the following ministers, the date of them being blocked and the reason for them being blocked.*

*Eluned Morgan  
Mark Drakeford  
Vaughan Gething  
Lesley Griffiths  
Julie James  
Lee Waters  
Jeremy Miles*

*Also, details of which accounts were blocked by the same ministers and the reason for them being blocked at the beginning of January 2024.*

Our officials manage the “X” accounts of two Welsh Government Ministers - the First Minister (Mark Drakeford) and Minister for Education and Welsh language (Jeremy Miles).

Eleven users have been blocked for various offences in contravention of our house rules by the account belonging to the First Minister. Offences include threats of violence, and racist and homophobic language. There are no users blocked by the Minister for Education’s account.

The dates that the accounts were blocked are shown below.

A 18/01/2022

B 21/10/2022

C 28/03/2022

D 25/04/2022

E 18/01/2022

F 05/01/2022

G 25/11/2021

H N/A

I 08/02/2022

J 12/07/2021

K 08/02/2022

Details of the blocked “X” accounts are exempt from disclosure under Section 40 of the Freedom of Information Act 2000 – Personal information. Further detail on this exemption and the reasoning is provided at Annex 1.

The other accounts listed above are personal Member of Senedd accounts which are not managed by the Welsh Government, we therefore do not hold any information in relation to those accounts.

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 e-mail: [Freedom.ofinformation@gov.wales](mailto: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

Telephone: 0303 123 1113  
Website: [www.ico.org.uk](http://www.ico.org.uk)

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

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 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. I have concluded that this relates to the details of the X (formerly Twitter) accounts (and other associated personal information) of those individuals whose accounts were blocked.

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:

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 individual X accounts blocked by the Ministers as stated above. We do not believe, however, there is any legitimate reason why the personal data would need to be released in relation to the accounts. 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.

### **3. The Balancing Test**

As it has been concluded it is not necessary to disclose the personal information caught by the request, there is no requirement to balance the rights and interests of those individuals against the rights, under FOIA, of the requester.

To conclude, 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.