

16 September 2024

Dear

ATISN 21922 – Basic Income for Care Leavers in Wales pilot – Residency Information

Thank you for your request which I received on 12 September 2024. You asked for information on where care leavers in receipt of basic income payments outside of Wales reside.

On 19 September 2023, the Welsh Government published monitoring data for the period August 2022 to July 2023. The data release includes information on residency. The full statistical release can be accessed through the following link:
[Basic Income for Care Leavers in Wales pilot statistics: August 2022 to July 2023 | GOV.WALES](#)

Updated statistical information is due to be published on 18 September 2024.

I have decided that the information described is exempt from disclosure under section 40(2) of the Freedom of Information Act and is therefore withheld. The reason for applying this exemption is 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

Annex A - Application of exemptions

The Freedom of information Act 2000 (FOIA) 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 under section 40(2) of the FOIA:

- where care leavers in receipt of basic income payments outside of Wales reside.

This Annex sets out the reasons for the engagement of section 40(2) of the FOIA.

Section 40(2) exemption

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.

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 Freedom of Information Act 2000 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; and
- **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

We are unaware of any legitimate interest you may have in making freely available information which would allow some of the individuals participating in this pilot to be identified.

2. Is disclosure necessary?

We do not believe that disclosure is necessary in this instance. Statistical data has been published regarding the pilot and is due to be updated on 18 September 2024, which provides information regarding the residency of recipients of the Basic Income for Care Leavers in Wales pilot. The information does not release information where there are very low numbers, to protect those individuals who may be identifiable should where they reside be made public. We believe the level of data published provides sufficient information to allow the public to understand the residency of recipients without risking publishing identifiable data.

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

There is a legitimate interest for the publication of data regarding participation in the Basic Income for Care Leavers in Wales pilot. However, this must be balanced with protecting the identities and rights of the pilot recipients.

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 FOIA. Section 40 is an absolute exemption and not subject to the public interest test.