

Business Continuity Arrangements

1 September 2017

Request for Information.

Thank you for your request received on 3 August in which you asked:

Under the FoI Act, I would like to see the assessments made of the alternative locations under consideration from which the organisation could quickly establish Plenary and Committee meetings, should the Senedd and Tŷ Hywel become unavailable.

I would like to see documents that show what locations have been identified, which ones have been visited and what assessment has been made of each one.

I can confirm that we hold the information requested. However, a disclosure will not be made because the information held is exempt from disclosure under the Freedom of Information Act 2000 (FOIA). A number of exemptions apply which, in brief, are as follows:

- section 24 – the information includes information that could jeopardise national security.
- section 38 – the information includes information that could endanger the health and safety of any individual.

Fuller details of the exemptions which have been applied, and the reasons for their application, are set out in the [annex](#) to this letter.

Having given careful consideration to the information captured by your request, the National Assembly for Wales (“the Assembly”) is of the view that this information is exempt from disclosure under section 24(1) and 38(1)(b) of FOIA. The purpose of this exemption is to prevent disclosure of information which is necessary for the safeguarding of national security and the safety of any individual. The reasoning for the engagement of both exemptions is set out in the [annex](#) to this letter.

Bae Caerdydd
Caerdydd
CF99 1NA

Cardiff Bay
Cardiff
CF99 1NA

Ffôn/Tel: 0300 200 6544
E-bost/Email: MynediadAtWybodaeth@Cynulliad.cymru
Assembly-Accessstoinformation@assembly.wales

Your request has been considered according to the principles set out in the Code of Practice on Public Access to Information. The code is published on our website at http://www.assemblywales.org/abthome/about_us-commission_assembly_administration/abt-foi/abt-foi-cop-pub.htm

If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance at the end of this letter.

Yours sincerely

Freedom of Information Manager

National Assembly for Wales

Annex

Section 24 FOIA

Section 24(1) of the Act provides:-

- Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.*

We consider it necessary to withhold information relating to the locations that have been identified, visited and assessed as part of this project in order to prevent harm, or the risk of harm, occurring to Assembly Members, Assembly Members' Support Staff, Assembly Commission staff, and visitors to the Assembly estate, as well as to the infrastructure and buildings of the Assembly itself. The information covered by the request directly relates to business continuity arrangements for the security of the Assembly estate. The risk in the disclosure of this information is that there is a genuine likelihood that it would damage the effectiveness and integrity of those arrangements. The disclosure of our business continuity plans, specifically the alternative accommodation project, could provide external parties with information about how to disrupt our sites and services.

We are also under an obligation to protect the security of alternative venues with which we have engaged. They have provided us with sensitive and important information to enable us to assess the locations against our pre-determined requirements and were under no expectation that this information would be disclosed publicly.

This exemption is a qualified exemption, and as such, the public interest in upholding the exemption must be considered. The public interest consideration for disclosure is that the public have a right to know and be satisfied that there are adequate business continuity arrangements in place in the Assembly. It is our considered opinion however, that the release of this information is likely to materially damage the integrity and effectiveness of the Assembly's security arrangements and therefore, in this instance, the public interest in withholding the information outweighs the public interest in its disclosure.

At present the current threat level from international terrorism in the UK is assessed as severe, which can be viewed at: <https://www.mi5.gov.uk/threat-levels>

Events in the UK and Europe over recent months have been taken into account in weighing up the balance of the public interest. The Assembly has a strong record of openness and accountability and information of the nature requested may, in the past, been made available to the public. In view of recent events, however, and in consideration of continuing security exercises and precautionary measures being adopted in many major cities, the public interest argument for withholding the information has, in our view, been strengthened further.

Section 38 FOIA

In addition to the above, the information requested is withheld under Section 38(1)(b) of the Act which provides:

- *Information is exempt information if its disclosure under this Act would, or would be likely to endanger the safety of any individual.*

The information requested includes details of the Assembly's process to identify and assess an alternative location should the estate in Cardiff Bay be unavailable. Such information, in itself, would not be likely to endanger the health and safety of any individual. However, in the hands of criminals, extremists and/or terrorists, it is likely to be utilised to construct an overview of the potential vulnerability of the Assembly estate and put the safety of other individuals at alternative locations at risk.

As Section 38 is a qualified exemption, we are required to conduct a public interest test, as above.

There is a public interest in providing information to ensure the accountability of public authorities. Disclosure can of course raise awareness of current issues and raise the standard of public debate. The Assembly is an advocate of transparency and indeed information of the nature now being requested may previously have been placed in the public domain, as noted above.

We again refer to events in the UK and Europe over recent months. Such matters have understandably given the Assembly cause to re-evaluate the position in respect of how certain information is handled and whether or not that information should be disseminated to the public.

The Assembly is of the view that disclosure of the information requested would be likely to endanger the safety of those individuals who participate in Assembly proceedings and those who work at or visit the Assembly estate, in particular, those staff who support Plenary and Committee proceedings.

Further, any public interest in disclosure of information beyond that already disclosed as part of this response is outweighed by the public interest in protecting individuals from threats to their mental and physical health and safety. In addition, there is a strong and specific public interest that Assembly Members should not be deterred or impeded from carrying out their important work, notably of representing their constituents, making laws for Wales and holding the Welsh Government to account. The risk of compromise to this important feature of Welsh democracy must, in our view, be avoided.

Cause for concern or complaint with your FOI response?

If you believe that I have not applied the Code correctly or have not followed the relevant laws, you may make a formal complaint to the Chief Executive and Clerk at the National Assembly for Wales, Cardiff Bay. Details of the Assembly’s complaints principles are set out in the Code of Practice on Complaints available on the Internet at <http://www.assembly.wales/en/help/contact-the-assembly/con-complaint/Pages/con-complaint-procedure.aspx>. Please advise me if you wish to receive a printed copy.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF