

Organisational Structure

8 October 2018

Request for Information.



Thank you for your request received on 13 September in which you asked:

I am working on a benchmarking program for a Welsh Government body and am looking to gather information from various organisations in order to better understand the structure and salary ranges for each role. As such, I am requesting any information you may have to determine the organisational structure and salary grades for each role in your organisation. Can this please include specific job titles linked to salary/salary grades, as well as any reporting lines.

I attach a PDF document which sets out the organisational structure and reporting lines for each service area and directorate of the Assembly Commission.

Details about the pay of senior Assembly staff is published annually in the National Assembly for Wales [Annual Report](#). As this information is available on our website your request is subject to section 21 of the Freedom of Information Act 2000 (FOIA) which exempts information that is already reasonably accessible by other means.

Current [Pay scales](#) are also published on the Assembly's website. The publication of salaries for individual posts constitutes personal data. It is, therefore, subject to the 'personal information' exemption under Section 40 of the Freedom of Information Act 2000 (FOIA). The information held is exempt from disclosure under section 40 – disclosure of personal data would be in breach of the General Data Protection Regulation (GDPR) and the FOIA. Further reasoning for this is in the [annex](#) to this letter.

Yours sincerely

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**Freedom of Information Manager
National Assembly for Wales**

Your request has been considered according to the principles set out in the [Code of Practice on Public Access to Information](#). If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance below.

Cause for concern or complaint with your FOI response?

If you are dissatisfied with the Assembly's handling of your request, you can request an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Freedom of Information Manager at:

Information-request@assembly.wales or in writing to

The National Assembly for Wales

Governance and Assurance

Cardiff Bay

Cardiff

CF99 1NA

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

ANNEX

Section 40 FOIA: disclosure of personal data would be in breach of the GDPR

The definition of personal data in the GDPR, being:

“any information relating to an identified or identifiable person (‘data subject’); an identifiable natural person 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 that natural person”.

The information requested, which relates to the salary grades for each role, could leave individuals identifiable.

Personal information is exempt from disclosure under section 40(2) and section 40(3A)(a) of the FOIA where disclosure would contravene one or more of the data protection principles within the GDPR. The principle relevant on this occasion is the first data protection principle, which is set out below.

The first data protection principle as set out in Article 5 of the GDPR states that:

“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’)”.

In addressing whether a disclosure would be fair, we have considered the consequences of disclosure, the reasonable expectations of the data subjects whose personal data would be disclosed and the balance between their rights, our duties and any legitimate interest in disclosure.

Our conclusion is that a disclosure would be unfair. Although the salary scales are in the public domain, the consequences of marrying those salaries with the job titles, would, in all likelihood, be troubling to the data subjects as a financial calculation could identify them as individuals and incidentally disclose their financial position. The exception, of course, is for senior staff whose details are disclosed in our Annual Report.

Notwithstanding my view as to fairness, I went on to consider Article 6 of the GDPR. None of the legal bases in Article 6 is relevant other than Article 6(1)(f), which allows the processing of personal data if:

“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.”

This condition involves a three-part test:

- there must be a legitimate public interest in disclosing the information;
- the disclosure must be necessary to meet that public interest; and
- the disclosure must not override the interests, fundamental rights or freedoms of the data subjects.

We have given careful consideration to the relevant interests which include: the Assembly’s obligations under the GDPR and the Data Protection Act 2018; your right to access this information; the nature of the individuals’ roles and their right to privacy; and the public interest in this information being disclosed.

There is a legitimate public interest in transparency in general terms as regards the operation of the Assembly Commission, which is why we proactively publish salary scales and senior salary information. A total figure of all staff costs is also captured in the Annual Report. However, we can see no legitimate public interest in disclosing the personal data of members of staff, other than those senior staff whose data is disclosed in our Annual Report.

We did not, therefore, consider the remaining two parts of the tests. Our conclusion is that it would not be possible to meet one of the legal bases in Article 6.