

Ban and Hunger Strikes

21 February 2014

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



Request for Information.

Further to my email of 21 February 2014, I write in response to your email dated 17 February 2014 which enclosed a pdf document making various requests for information. That document ('the request') runs to 49 pages and contains 43 enumerated questions. However, the total number of questions raised exceeds 43 because some have one or more sub-questions. Given the size of the request I will not set it out here.

The various questions are grouped, and those groupings can be summarised as follows:

- questions about our response to protests you carried out at the Assembly estate;
- questions about our decision in June 2013 to impose restrictions on your access to the Assembly estate and the nature of those restrictions;
- questions about our decision to lift some of the restrictions;
- questions about the meaning of words used by us in communications with you; and
- questions about events held in the Assembly and the remuneration of certain Assembly personnel.

We considered the request under the Freedom of Information Act 2000 (the FOIA). Section 1(1) of the FOIA gives a right of access to information held by public authorities. However, section 14 says that section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

With the exception of the final seven questions (which are on the 49th page of the request - and which are dealt with below) we take the view that the request is vexatious for the purposes of section 14. A summary of the reasons for reaching that conclusion is given below. Those reasons are not set out in any particular order.

Bae Caerdydd
Caerdydd
CF99 1NA
Cardiff Bay
Cardiff
CF99 1NA

Ffôn/Tel: 029 20 89 8635
E-bost/Email: Buddug.Saer@wales.gov.uk

As well as considering the FOIA, we gave thought as to whether the request constituted a subject access request under the Data Protection Act 1998. Our conclusion is that this is not the case. Whilst a number of the questions mention you, they are about the decisions and the decision-making processes of the National Assembly for Wales Commission ('the Assembly Commission').

Section 14 FOIA - vexatiousness

In reaching our conclusion we have been mindful that the Upper Tribunal of the Administrative Appeals Chamber has said that, "There is...no magic formula - all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of the FOIA".

And that, "The purpose of section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on the disproportionate use of FOIA".

You have made a number of requests in recent months, some in your own name and some using a pseudonym; this is the fifth request you have made in the last 4 months. Earlier FOIA requests were made by you on the following dates:

1. 10 October 2013 (Fol 501),
2. 23 December 2013 (Fol 522. This particular request was the subject of an internal review),
3. 16 January 2014 (Fol 527), and
4. 12 February 2014 (Fol 532. This request was withdrawn via a telephone call on 14 February 2014)).

With the exception of the last seven questions, there is an overlap in the subject matter raised in the current and the earlier requests. Although the questions are raised in a variety of ways, the issues which appear to be at the heart of the various requests are our decision in June 2013 to impose restrictions on your access to the Assembly estate and our later decision to lift some of the restrictions ('the two decisions'). We have already sought to deal with these issues. By way of example, Fol 527, which was a repeat of two questions contained in Fol 522, centred on the two decisions. Those same issues are being raised again in this request (despite the fact that no review was sought of Fol 527).

By making the latest request you are seeking to keep the issue of the two decisions alive. In our view, the FOIA is not an appropriate avenue through which to do that.

The impact of the request is likely to be considerable and we feel it is difficult to justify allocating resource to providing a response for two particular reasons. Firstly, the burden it would impose upon our resources would be disproportionate to its inherent value. The matter being pursued is highly personalised and is of no apparent benefit to the wider public.

Secondly, given past experience, any response is unlikely to satisfy you. Despite considerable effort being made in recent months (and considerable resource being consumed) to provide you with information, the past pattern of behaviour suggests that you will not be satisfied with any response and will submit follow up enquiries no matter what information is supplied. For example, and as indicated above, the issues concerning the two decisions have already been the subject of previous requests.

In addition, we also note that Fol 532 was made before we had responded to Fol 527. In that response we informed you that we did not feel that we could explain matters in either fuller or clearer terms and that we would have no option but to consider any further requests about the two decisions as vexatious. We can assure you that we have made considerable efforts to respond to your requests within the parameters of the FOIA.

Reluctantly we must admit that we are increasingly gaining the impression that you bear a grudge against the Assembly. In this regard, we note on page 4 of your request you say, "The letter [i.e. that dated 19 June 2013, setting out limited access to the estate] did change things as then it became personally (sic) between me and the Commission!".

The context of this request is very important. The context in terms of the history of recent FOIA requests is set out above. But I should also state that the wider context of your other correspondence with the Assembly was factored into our decision. In this respect I note that there has been a plethora of correspondence with certain members of Assembly Commission staff and with the Commissioners themselves between 19th of June 2013 and 17th of February 2014. We estimate that around 50 emails and letters have been received from you during this period.

So, to summarise, the issue in question is one which affects you personally, and which we would say has been resolved (certainly we have made strenuous efforts to do so). In addition, we are struggling to see any wider objective value or public interest that would any way justify the impact on our resources that responding to the request would entail.

For the avoidance of doubt, we do not feel that we can countenance any further correspondence about the two decisions, or the circumstances in which they were made. To this end, we have no option but to inform you that consideration will be given as to whether any further requests about those subject areas (or associated matters) are vexatious.

Conversely, and as set out above, the final seven questions are not regarded as vexatious and our response to them follows.

- 1. How much does the Chief Executive and Clerk of the Commission get paid per year?*

The pay scale of Claire Clancy, Chief Executive and Clerk of the Assembly is displayed in the table below.

Chief Executive* Pay Scales

Scale Point	2012/2013	2013/2014
Min	£122,401	£122,401
	£127,591	£127,591
	£133,001	£133,001
	£138,640	£138,640
Target	£144,519	£144,519

* Nil% increase to Director and Chief Executive salary bands

For your information, all staff salary information is published [here](#).

- 2. Does this role come with an expense account and if so what is the amount that that account allows to be spent?*

This role does not come with an expense account, and like all staff of the National Assembly for Wales Commission, Claire Clancy is eligible to claim for travel and subsistence expenses whilst on official business. The rules governing the payment of travel and subsistence expenses to all staff (including Claire Clancy) on official business are available [here](#).

Claire Clancy's expenses are published in our Annual Report and Statement of Accounts which is available [here](#). This information has been extracted and is displayed below.

Travel and Subsistence incurred 2012-13	Travel and Subsistence incurred 2011-12
£619	£799

3. *Do the 5 AMs who are the Commissioners get paid for their roles as Commissioners? If so how much does each one get paid?*

Assembly Members who hold additional offices are entitled to receive an addition to their annual salary. The additional salary for Commissioners has been extracted and is displayed below. Further information on Members' salaries is published in the [Determination](#) under Chapter 3.

Office	Office Holder's Additional Salary
Assembly Commissioners	£12,420

4. *Do they have an expense account and if so to what sum can they spend on that account?*

A budget of £3,000 per annum has been allocated for Assembly Commissioners to claim travel and subsistence expenses (as and when required) relating to their work as Commissioners.

5. *Are there any MPs due to visit the Senedd/Ty Hywel on official parliamentary business (in their roles as MP's not just visiting as a member of the public) that are currently in the calendar? If so when will these visits take place and what is the purpose of their visits?*

We hold no information captured by your request.

6. *Are there any other VIPs that are visiting and if so who are they, what is the purpose of their visits and when are they due to visit?*

We have one senior diplomat, who we class as a VIP, visiting the Assembly in May. The purpose of their visit is to learn more about Welsh democracy as

well as to meet with Assembly Members to discuss various issues of mutual interest.

The Presiding Officer publishes retrospective visits on a monthly basis on our website. This information is available [here](#).

7. *At the Senedd there are often events there in the day. In November last year for instance they had one about space – which I found very interesting but I just saw it by accident as I was visiting the Senedd at the time. Is there anywhere that any events that will be in the Senedd for the public to visit are published? I must have missed loads of things I would like and if I knew in advance that they would take place I could go. If there is, could you give me a link to where it can be found please?*

Events that are open to the public and held in the Senedd are published on our website and available [here](#).

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

Buddug Saer
Programme Officer
National Assembly for Wales

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.assemblywales.org/conhome/con-complaint.htm>. 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