

Freedom of Information requests

2013

Reference number: 13-005

Re:- Freedom of information Request regarding funding and possible bias in the Plans for the Development of the National Museum of Wales specifically in relation to Cathays Park

Dear Sir

Information regarding your development plans for the museum have reached me and caused me great concern

I am a former president of the Cardiff Naturalists Society which if you look into your history you will find was extremely involved in the establishment of your museum in Cathays Park, especially as we gave our society collections (the Old Cardiff Collection) to form the basis of the museum

I admit that some of what I have heard may be hearsay, but it has led to me forming a picture of you as being arts biased and interested only in having an art gallery in the centre of Cardiff with the sciences being dispersed elsewhere such as to St Fagans

I want to address this concern immediately as it is important that a strong scientific institution is held in the centre of Cardiff to promote learning in the sciences which are key to our long term economic recovery

Therefore I would request an explanation of the plans, how much is being saved on the science budgets vs the Arts, Administration and front of house budgets in Cathays park (any spend being moved to other locations is frankly not relevant to the point I am making so please don't waste either of our time in long justifications).

I would also like similar figures for headcount plans in relation to departmental staffing in those groupings and for you to explain how much has been spent or saved by these groupings in the last 3 years so I can determine whether you have been moving things around to create pictures of the world that may or may not exist

I would also like copies of the visitor figures for the various departments in the museum both in terms of academic visitors and public visitors to the department so we can get a clear picture of the relationship to the curatorial staff to the public work of the museum and also a comparison of the visitor figures in the art / ceramic galleries to those in the science galleries. You should have both numbers and dwell time figures if you are going to make appropriate decisions so I would expect those

I would also say at this point that it is both telling and saddening that you no longer have any of the science heads shown on your senior staff. To me this speaks volumes about the apparent bias I have heard about.

I would like copies of minutes of meetings that have discussed the headcount in the departments listed and any other relevant information regarding overall spend or planning such that I can determine whether this bias exists or there is any mis-planning based on an inappropriately structured senior management team at the museum.

With the information you will provide me I will be able to determine in my own mind whether this is a true picture and I will be able to decide what to do.

I am requesting this information under the freedom of information regulations and therefore I believe you have 20 days to provide me with a full and frank response. I would prefer to receive this in electronic format as that will be easier for me to store and process in relation to my further investigations

I would say that at this time I am writing to you as a private individual.

I have mentioned my role with the CNS to put you in the picture that I have a good understanding of the structure and function of the museum, and therefore I am copying the secretary of that organization who may or may not wish to associate at this time

Yours Faithfully

7 May 2013

Dear,

REQUEST FOR INFORMATION – *Information regarding funding and possible bias in the Plans for the Development of the National Museum of Wales specifically in relation to Cathays Park.*

Thank you for your request for information. As Head of Knowledge & Information Management for Amgueddfa Cymru - National Museum Wales, I am responsible for responding to your request for information.

I refer to your letter of 10 April 2013, in which you asked for the following information:

- 1 *Request an explanation of the plans, how much is being saved on the science budgets vs the Arts, Administration and front of house budgets in Cathays Park.*
- 2 *Headcount plans in relation to departmental staffing in those groupings and for you to explain how much has been spent or saved by these groupings in the last 3 years.*
- 3 *Copies of the various departments in the museum both in terms of academic visitors and public visitors to the department. Visitors figures in the art / ceramic galleries to those in the science galleries. (Numbers and dwell time figures)*
- 4 *Copies of minutes of meetings that have discussed the headcount in the departments listed and any other relevant information regarding overall spend or planning.*

Response

Thank you for your letter regarding *funding and plans for the development of the National Museum of Wales specifically in relation to Cathays Park*.

In preparing the response to your request, I have reviewed your request with John Williams-Davies, Director of Collections and Research along with a number of departments within the Museum.

In responding to your request for information, I will be referring to each request separately but before I do so, it might be helpful if you read the following information provided by John Williams-Davies.

Dear Mr. Kendall,

Thank you for your request for information.

I am afraid that you appear to have been misinformed about this matter. Amgueddfa Cymru – National Museum Wales has no intention whatsoever of moving the natural sciences from National Museum Cardiff in Cathays Park. Indeed, the very opposite is true as we are currently developing plans to create a National Museum of Natural History on the ground floor of the building to match the recently completed National Museum of Art on the first floor. This flows from our Vision, '*a world-class museum of learning*' which we published in 2005, following extensive consultation. That Vision outlined three developments. These were:

1. The creation of a National Museum of Art on the first floor of National Museum Cardiff. This £10m project was successfully completed in 2011 and has given Wales the best set of art galleries outside of London. The decision to start with the art galleries was purely a pragmatic one driven by the need to clear those galleries to enable us to repair the leaking roof of the building.
2. The creation of a National History Museum at St Fagans. We are relocating the Archaeology displays to the site to enable us to tell the stories of the peoples of Wales from the earliest times to the present time at the one venue. There has been a call for such a museum for many years. This is a £25.5m project funded with the aid of a grant of £12m from the National Heritage Fund, the largest single grant ever made to Wales. This project is due to be completed in 2016-17.

3. The creation of a National Museum of Natural History at National Museum Cardiff. We are already working on plans for this although it is highly unlikely that we will be able to begin work until the St Fagans project is completed. This will enable us to increase the amount of gallery spaces devoted to the natural sciences and to completely revamp the displays to match current visitor expectations.

In the longer term, we have even more ambitious plans for the site. A report commissioned by the Welsh Government in 2008 recommended the construction of a new museum building on the site of the existing car park to the rear of National Museum Cardiff to house the natural science collections, the existing building then being given over to a National Gallery of Art. This would be a very expensive enterprise and will take some considerable time to realise.

Responses to your specific queries

- 1/ *Request an explanation of the plans, how much is being saved on the science budgets vs the Arts, Administration and front of house budgets in Cathays Park.*

I refer to you the information provided by John Williams-Davies above.

The information relating to savings between the Science, Art, Administration and front of house has yet to be formally decided and as such, the information is exempt from disclosure under Section 36(2)(b)(ii) as their release would Prejudice to effective conduct of public affairs. I have applied the public interest test weighing up the arguments in favour of disclosure and against disclosure, it has been deemed by the Museum's 'qualified person' that disclosure would likely prejudice the effective conduct of public affairs as it would inhibit the free and frank exchange of views for the purposes of deliberation.

Under the Freedom of Information Act, S36 is considered an Absolute Exemption, however, in this case we will consider it to be considered a qualified exemption and it is the opinion of the Museum's 'qualified person' that the disclosure of the information would likely inhibit the free and frank provision of views for the purposes of deliberation (S 36(2)(b)(ii)). Therefore, we are obliged to conduct a public interest test to consider whether the balance of the public interest lies in favour of maintaining the exemption or in favour of release. When applying the public interest test to this information, it has been concluded that it is

exempt information under Section 36(2)(b)(ii) of the Freedom of Information Act.

Section 36(2)(b) 'would or would be likely to, inhibit –

- (i) The free and frank provision of advice, or
- (ii) The free and frank exchange of views for the purposes of deliberation'

The balance of the public interest assess whether the interest of the public are best served by disclosure or non disclosure of the requested information. The balance to be considered when using the exemption is the public interest in ensuring that there is a space, within which officials can discuss policy options and delivery, freely and frankly.

It has been determined following the public interest test that disclosure would be prejudicial for the provision of free and frank advice and the free and frank exchange of views.

The issues we have considered are outlined below:

Arguments in Favour of Disclosure – Section 36(2)(b)(ii):

- The need to support the General Public's interest in openness and accountability.
- The benefit of the Public to know and understand how decisions are being made within the Public Sector and Government.
- The argument in disclosure of the information being requested may support the Public's greater understanding of the decision making process.

Arguments Against Disclosure – Section 36(2)(b)(ii):

- The information discusses current negotiations and policy principles and there is a need to protect the space for officials to discuss and consider process and policy issues in an open and frank manner.
- If the information were to be made public, the nature of the discussions is likely to be affected. It is likely to reduce the opportunity for those involved to raise controversial options or allow for free and frank discussions if they believe such comments and options would be made publically available.

- In order to be able to seek extended views and to discuss options, there has to be a space to do so, to allow individuals to freely weigh up the risks and consequences of such decisions. The premature release of information is likely to discourage the free and frank exchange of views and ideas. Therefore, there is a strong public interest to protect this private space.

In conclusion, the requirements of openness must be balanced against the proper and effective functioning of government. Having considered all the relevant arguments, it is the view of Mr. David Anderson, Director General (AC-NMW's qualified person) that the balance of the public interest favours maintaining the exemption and withholding the information under Section 36(2)(b)(ii) of the Freedom of Information Act at this current time. This does not rule out the information being disclosed in the future.

- 2/ *Headcount plans in relation to departmental staffing in those groupings and for you to explain how much has been spent or saved by these groupings in the last 3 years.*

The information is being withheld under Section 36(2)(b)(ii) following the same public interest test.

- 3/ *Copies of the various departments in the museum both in terms of academic visitors and public visitors to the department. Visitors figures in the art / ceramic galleries to those in the science galleries. (Numbers and dwell time figures)*

The Information is provided in the following Appendices:

Appendix A – Academic and Non-Academic visitors for the curatorial departments within Cathays Park for the year 2012

Appendix B – Dwell numbers for various exhibitions at the National Museum Cardiff in 2012 – 2013

Appendix C – Visitors to Amgueddfa Cymru's seven museums between April 2012 and March 2013

- 4/ *Copies of minutes of meetings that have discussed the headcount in the departments listed and any other relevant information regarding overall spend or planning.*

The information is being withheld under Section 36(2)(b)(ii) following the same public interest test. In addition, I am applying Section 40 as the information relates to personal information.

The information you have requested was firstly considered under the Freedom of Information Act is exempt from disclosure under Sections 40(2) and 31(1)(a) of the Act.

SECTION 40(2)

Section 40 (2) FOIA – Personal data exempt from disclosure

The information requested amounts to personal data and is exempt under section 40(2), FOIA, as disclosure, without the consent of the individuals to whom it relates, to a member of the public otherwise than under the FOIA would breach the first data protection principles. This exemption is absolute and is not subject to the public interest test. Therefore, the information requested is exempt under FOIA section 40(2) and will now be reviewed under the Data Protection Act 1998 (DPA).

Data Protection Act 1998 (DPA)

Section 1(1) DPA – meaning of “personal data”

Information relating to the headcount within departments could potentially identify individuals and as such would amount to personal data within the meaning of the DPA.

Part I of Schedule 1 DPA – first data protection principle

In our view, the disclosure of personal data to a third party would be unfair within the meaning of the first data protection principle. Part II of Schedule 1 to the DPA sets out how the principle of fairness is to be interpreted. It states that, in deciding whether personal data is processed fairly, regard must be had to whether any person from whom it was obtained is deceived or misled as to the purpose or purposes for which they are to be processed. In this case, releasing information relating to potential headcounts within departments could identify individuals where discussions are only in developing stages and such a release would be unfair and for that reason the information is being withheld.

The information he provided is considered personal information under the Data Protection Act 1998, it was processed in a fair and lawful. It was not processed for any other purpose such as for public publication.

The Information Commissioner's Legal Guidance on the Data Protection Act (available on-line at www.informationcommissioner.gov.uk) advises that the Commissioner takes a strict view of the concept of compatibility. The Commissioner also cross-refers to the DPA's interpretative provisions on the meaning of fairness, as set out in relation to the first data protection principle above. The DPA says that, in determining whether personal data is processed fairly, regard is to be had to whether the data subject has been deceived or misled as to the purposes for which their personal data is to be processed. The Commissioner says that this is material in considering whether further processing is incompatible with the specified purposes.

Your request was considered according to the principles set out in the National Assembly's Code of Practice on Public Access to Information (third edition). The Code is published on the Internet at www.information.wales.gov.uk.

If you believe that I have not applied the Code of Practice on Public Access to Information correctly or have not followed the relevant laws, please contact me to request a first-stage review. If, after that, you are still not satisfied you may request a formal internal review by Amgueddfa Cymru. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Mr John Williams-Davies
Director of Collections and Research
Amgueddfa Cymru – National Museum Wales
Cathays Park
Cardiff
CF10 3NP

When dealing with any concerns, we will follow the principles of the National Museum of Wales's Code of Practice on Complaints, which is available on our website at www.museumwales.ac.uk/en/45/ or by post from:

Mr John Williams-Davies
Director of Collections and Research
Amgueddfa Cymru – National Museum Wales
Cathays Park
Cardiff
CF10 3NP

You also have the right to complain to the Information Commissioner. Normally, however, you should pursue the matter through our internal procedure before you complain to the Information Commissioner.

The Information Commissioner can be contacted at:

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

I apologise that Amgueddfa Cymru cannot assist you with all aspects of your request but if you have any further queries or concerns then please contact me via my email address.

Yours sincerely,

Head of Knowledge & Information Management

**Appendix A – Academic and Non-Academic visitors for the
curatorial departments within Cathays
Park for the year 2012**

Archaeology & Numismatics

Academic visitors

86 visitors

Non-academic visitors

414 visitors

Volunteer visits

224 visitors

69 visitors – school and university students

22 visitors to the human remains collection

Behind the scene tours

179 visitors

Workshops

Public – 12

Professional - 15

Geology

Academic visitors

109

Non-academic visitors

73

Behind the scenes tours

309

Art

Visitors

775 (they do not distinguish between academic and non-academic visits.)

Biodiversity and Systematic Biology

Academic visitors

113

Non-academic visitors

666

Behind the scenes tours

309

Appendix B – Dwell numbers for various exhibitions at the National Museum Cardiff in 2012 – 2013

Exhibition	Length of Exhibition	Total visitors
Scott	14 Jan. 2012 – 13 May 2012	56,367
Piper	11 Feb. 2012 – 13 May 2012	24,059
Queen	4 Feb. 2012 – 31 March 2012	36,807
Titian	19 April 2012 – 17 June 2012	12,911
Through the magic mirror: The World of Anthony Browne	2 June 2012 – 23 Sept 2012	50,077
Wildlife Photo of the Year	16 June 2012 – 9 Sept. 2012	34,316
Exhibitionists	28 June 2012 – 19 Aug. 2012	13,587
Going Modern: The struggle for abstract Art in Wales	21 July 2012 – 25 Nov. 2012	26,014
Artes Mundi	6 Oct. 2012 – 13 Jan. 2013	44,549
Wolf Inside	13 Oct. 2012 – 24 Feb. 2013	45,607
Animeiddio Cymru	27 Oct. 2012 – 17 March 2013	50,170
Turner in Focus: The Davies Sisters Collection	25 Sept. 2012 – 25 Jan. 2013 extended to May	23,079
Jonah Jones	8 Dec. 2012 – 7 April 2013	24,152
Pop & Abstract	9 March 2013 – 1 Sept 2013	15,860
Origins	April 2012 – March 2013	127,132
Natural History	April 2012 – March 2013	242,842
Contemporary Art	1 April 2012 – 27 Aug. 2012	58,357

Appendix C – Visitors to Amgueddfa Cymru’s seven museums between April 2012 and March 2013

	Cardiff	St Fagans	Roman	Wool	Slate	Big Pit	Waterfront	Total
April	53,468	58,211	6,765	3,303	14,606	17,758	20,973	175,084
May	30,617	49,464	5,728	2,529	12,171	14,552	17,753	132,814
June	44,955	51,459	6,228	3,718	15,208	17,222	33,639	172,429
July	38,703	86,202	7,003	4,435	18,684	18,181	25,530	198,738
August	54,092	106,747	13,615	6,008	25,671	23,487	35,406	265,026
September	29,512	67,292	5,277	3,578	14,711	11,025	22,044	153,439
October	37,618	48,402	6,421	2,422	11,790	13,668	19,371	139,692
November	38,005	24,037	4,602	2,128	5,450	8,260	19,888	102,370
December	27,989	18,787	2,959	1,225	2,441	4,322	19,532	77,255
January	27,137	14,805	2,302	1,053	2,253	1,251	14,815	63,616
February	41,780	33,724	5,885	1,521	7,986	9,718	20,618	121,232
March	53,523	41,605	5,207	2,389	6,620	12,393	21,883	143,620
Total	477,399	600,735	71,992	34,309	137,591	151,837	271,452	1,745,315