

**2013**

**Freedom of Information Request**

**Reference number – 13-016**

## **Freedom Of Information (FOI) requests**

Please could you provide me with details of all FOI requests received by the National Museum Wales in the past three years (from today's date) and also all the information the museum has provided in response to these requests?

### **NOTE**

In our response to this request we state:

*Your request for information has now been considered and I am attaching pdf copies of the requests and responses. These will be sent to your email address. However, the personal names of living individuals noted in the requests and responses have been removed as this information is exempt under Section 40(2) of the Freedom of Information Act and Part 1 of the Data Protection Act. Apart from the personal information noted above, all remaining information is being released.*

The pdf copies are the documents listed in this Disclosure Log: <http://www.museumwales.ac.uk/foi/log> .

Amgueddfa Cymru  
Parc Cathays, Caerdydd CF10 3NP  
Ffôn: (029) 2039 7951 Ffacs: (029) 2057 3321

Amgueddfa Cymru – National Museum Wales  
Cathays Park, Cardiff CF10 3NP  
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amgueddfa  
national  
museum  
wales  
cymru

30 September 2013

Reference number: 13-016

Dear

**REQUEST FOR INFORMATION** – *Information regarding copies of the Freedom of Information requests received and the Museum's corresponding responses.*

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 email of 29<sup>th</sup> August 2013, in which you asked for the following information:

*Please could you provide me with details of all FOI requests received by the National Museum Wales in the past three years (from today's date) and also all the information the museum has provided in response to these requests?*

## Response

Your request for information has now been considered and I am attaching pdf copies of the requests and responses. These will be sent to your email address. However, the personal names of living individuals noted in the requests and responses have been removed as this information is exempt under Section 40(2) of the Freedom of Information Act and Part 1 of the Data Protection Act. Apart from the personal information noted above, all remaining information is being released.

The personal information within the documents was considered under the Freedom of Information Act is exempt from disclosure under Section 40(2) 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 identity of the purchaser in 1976 is 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, the identity of the purchaser in 1976 was provided for the sole purpose of completing the due diligence process and for this reason, the principle of fairness, disclosure of the personal information would be unfair as the individual only provided the information for that purpose and not for public publication and for that reason the information is being withheld.

Requestor's personal information is considered personal information under the Data Protection Act 1998 and releasing the information would be unfair and lawful as the information was processed for the purposes of providing responses and not for public release.

#### **Amgueddfa Cymru – National Museum Wales**

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Llywydd/President Elisabeth Elias MA DL  
Trysorydd/Treasurer J. Peter W. Morgan M.Sc. FCA Cyfarwyddwr Cyffredinol/Director General David Anderson  
Rhif elusen / Charity registration number: 525774  
Rhif TAW / VAT registration number: GB 783 4541 10

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cymru



The Information Commissioner's Legal Guidance on the Data Protection Act (available on-line at [www.informationcommissioner.gov.uk](http://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](http://www.information.wales.gov.uk).

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Director of Finance and Corporate Resources at the following address:

Mr. Neil Wicks  
Director of Finance and Corporate Resources  
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/](http://www.museumwales.ac.uk/en/45/).

Internal review requests should be submitted within two months of the date of receipt of the response to your original letter.

You also have the right to complain to the Information Commissioner's Office (ICO) if you are not content with the outcome of your complaint or review. Generally, the ICO will not make a decision unless you have exhausted the complaints procedure provided by the Museum.

The Information Commissioner can be contacted at:

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

If you have any queries regarding the information I have provided, please contact me via my email address and I will endeavour to assist you.

Yours sincerely,

Gayle Evans, LLM  
Head of Knowledge & Information Management