

2015

Freedom of Information Request

Reference number – 15-001

Information relating to employee remuneration

1. *The total number of employees who received remuneration equal to, or in excess of £100,000 in 2013-14.*
2. *For those who received remuneration in excess of £150,000:*
 - i. *The employee's name*
 - ii. *The employee's job title*
 - iii. *The remuneration received by the employee*
 - iv. *An itemised list of expenses claims made by the employee. If an itemised list is not available, please provide the amount the employee claimed in expenses in 2013-14.*

23 February 2015

Reference 15-001

Dear

REQUEST FOR INFORMATION – *regarding employees who received remuneration of more than £100,000 during the financial year 2013/14.*

Thank you for your request for information. As Museum Secretary for Amgueddfa Cymru - National Museum Wales, I am responsible for responding to your request for information.

I refer to your email of 08 January 2015 in which you asked for the following information:

1. *The total number of employees who received remuneration equal to, or in excess of £100,000 in 2013-14.*
2. *For those who received remuneration in excess of £150,000:*
 - i. *The employee's name*
 - ii. *The employee's job title*
 - iii. *The remuneration received by the employee*
 - iv. *An itemised list of expenses claims made by the employee. If an itemised list is not available, please provide the amount the employee claimed in expenses in 2013-14.*

In your email of 12 February 2015 you clarified that the parameters for the dates were the financial year 2013-14.

Our Obligation

The Museum is treating your request as a request made under the Freedom of Information Act 2000 (the "Act"). When dealing with requests for information, the Museum's obligations include:

- confirming or denying whether we hold information of the description specified in the request; and
- communicating the information requested to the applicant. You should note that this is effectively a decision that the information can be released into the public domain and not simply to the specific applicant.

There are a number of exemptions that exist under the Act which impact on these obligations and where such an exemption is relied upon by the Museum, this is set out further below.

Response to your request

In response to your request for information, we confirm that we hold the information requested by you.

In relation to your first request, we can confirm that 6 employees received remuneration of over £100,000 in 2013/2014.

In relation to your second request for information, we consider that the information requested falls within the exemption contained in s.40(2) of the Act, as to provide the information requested would be a breach of the individuals'(or 's) rights to be treated fairly and lawfully under the Data Protection Act. The information requested contains personal data and goes further than what the Museum is required to publicise under the Wales Audit Office Memorandum on Senior Management Pay across the Welsh Public Sector (the "Memorandum"). The request covers all staff; it is not limited to the Chairman, Chief Executive and the Management Board. Furthermore, the request includes items other than those specified in the Memorandum - salary (in bands of £5,000), performance related bonuses (in bands of £5,000), benefits in kind and pension benefits. The request specifically asks for amounts paid by way of compensation for loss of office to be included. Such payments would be covered by settlement agreements in circumstances where the parties involved would have an expectation of privacy.

Accordingly the Museum considers that the exemption in section 40(2) of the Act applies to your second request. The Museum considers that disclosing the information requested would contravene the first data protection principle as it would not be fair in the circumstances to disclose the information as such disclosure would not be expected and may cause distress to those whose personal data is disclosed.

The Museum has carefully considered the public interests which would be served by disclosure. It maintains, however, that these are insufficient to outweigh the legitimate interests of the data subjects in this case, particularly given the fact that the requirements to report Senior management pay, as set out in the Memorandum, have already been complied with.

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 review by the Museum. When dealing with any concerns, we will follow the principles of the National Museum of Wales' Code of Practice on Complaints, which is available on the Internet at www.nationalmuseumwales.org/en/45/ or by post to:

Mr. Neil Wicks
Director of Finance and Corporate Resources
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

Yours sincerely

Elaine Cabuts
Museum Secretary