



26 May 2023

Dear _____,

ATISN 17446 – Basic Income for Care Leavers in Wales pilot

Information requested

Thank you for your request which I received on 02 May 2023. You asked for:

1. The number of recipients of basic income from the Basic Income for Care Leavers in Wales pilot;
2. How many Basic Income for Care Leavers in Wales pilot recipients are 'young asylum seekers'; and
3. The individual countries and number of 'young asylum seekers' who are recipients of basic income from each country.

Our response

I can confirm that we hold some of the information that you have requested.

In relation to question one, on 8 March 2023, the Welsh Government published management information related to the Basic Income for Care Leavers in Wales pilot ('the pilot') which confirmed provisional figures from the first six months of the pilot¹, which confirmed that there were 294 recipients of basic income at this point in time. This is the latest published data regarding enrolment to the Basic Income for Care Leavers in Wales pilot.

I have determined that the information described in questions two and three are exempt from disclosure under section 22 and section 40(2) of the Freedom of Information Act 2000 and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter.

Next steps

¹ <https://www.gov.wales/basic-income-care-leavers-wales-pilot-statistics-august-2022-january-2023>

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

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex A - Application of exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information under section 22 of the Freedom of Information Act:

- How many Basic Income for Care Leavers in Wales pilot recipients are 'young asylum seekers'.

I have decided to withhold the following information under section 40(2) of the Freedom of Information Act:

- The individual countries and number of 'young asylum seekers' who are recipients of basic income from each country.

This Annex sets out the reasons for the engagement of section 22 and section 40(2) of the Freedom of Information Act 2000 and our subsequent consideration of the Public Interest Test.

Section 22 of the Freedom of Information Act 2000 relates to information intended for future publication. The Welsh Government intends to publish enrolment data in September 2023, following the completion of the enrolment to the Basic Income for Care Leavers in Wales pilot. This will expand upon the six months data published on 08 March 2023 with additional categories of information, including related to the matters highlighted in the request. As such, the Welsh Government believes that the requested information should be exempt from disclosure at this time.

Public Interest Test in relation to Section 22

Public interest arguments in favour of disclosure

There is a legitimate interest for the publication of data regarding participation in the Basic Income for Care Leavers in Wales pilot.

Public interest arguments in favour of withholding

Welsh Government has already outlined that final data from the pilot year will be published in September 2023, following completion of the enrolment year to the pilot programme, therefore the information requested will be published in part. We have already published interim data, which we believe is sufficient at this time to allow the public to monitor the uptake onto the pilot. Disclosure of a further set of interim figures will not add anything significant to that which is already published.

Balance of public interest test

Welsh Government has decided to withhold publishing the requested information because of an imminent publication of the same information as part of a scheduled statistics publication in September 2023.

Section 40(2) exemption

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 1998 ('the DPA 2018') and means any information relating to an identified or identifiable living individual. An identifiable living individual 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 the individual.

We have concluded that, in this instance, the information requested contains third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

“processed lawfully, fairly and in a transparent manner in relation to the data subject”

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

“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”.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:-

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate interests

We are unaware of any legitimate interest you may have in making freely available information which would allow some of the individuals partaking in this pilot to be identified.

2. Is disclosure necessary?

We do not believe that disclosure is necessary in this instance. We have outlined our intention to publish data in this regard in September 2023, which will reflect the full enrolment year for the Basic Income for Care Leavers in Wales. It is intended that such information will group national identities into regions (similar to Census 2021 reporting) to protect those individuals who may be identifiable should country of origin be made public. We believe this will provide sufficient information to allow the public to understand the background of participants..

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

There is a legitimate interest for the publication of data regarding participation in the Basic Income for Care Leavers in Wales pilot, however this must be balanced with protecting the identities and rights of the pilot recipients.

As release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.