

21 June 2023

Dear

Request for Information – ATISN 18536

Thank you for your request which I received on 24 May. You asked for:

1. Which two Welsh Government Ministers met with the owner of Gilestone Farm and Greenman regarding the sale of Gilestone Farm.
2. Who in the Welsh Government approved the purchase of Gilestone Farm.
3. The purchase price of the farm.
4. The names of the 2 ministers and 4 officials who spent 3 nights in the Ritz Carlton as guests of Qatar.

Our response

A copy of the information I have decided to release is enclosed.

1. Which two Welsh Government Ministers met with the owner of Gilestone Farm and Greenman regarding the sale of Gilestone Farm.

Although this information is exempt from disclosure, being reasonably accessible by another means, I can confirm that these were the Minister for Climate Change and the Minister for Education and Welsh Language.

2. Who in the Welsh Government approved the purchase of Gilestone Farm.

The purchase was approved by the Minister for Economy.

3. The purchase price of the farm.

The Welsh Government acquired Gilestone Farm for £4.25 million against an agreed open market valuation of £4.325 million.

This information is publicly available on the Welsh Government website on the Gilestone Farm FAQs page which is available to view online at -

<https://www.gov.wales/gilestone-farm-frequently-asked-questions>

4. The names of the 2 ministers and 4 officials who spent 3 nights in the Ritz Carlton as guests of Qatar.

The attending ministers were the First Minister of Wales and the Minister for Economy. This information has previously been disclosed under our response to ATISN 16966:

<https://www.gov.wales/atisn16966>

The names of the officials are withheld under Section 40(2) of the Freedom of information Act. My reasons for applying this exemption are at Annex A of this letter.

Next steps

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

Freedom of Information Act 2000: Section 40(2)

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 2018 ('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

The personal data is the name of officials who formed part of the delegation to Doha. These officials travelled and acted in a purely administrative capacity, and did not have public facing roles. As such there was no expectation on their part that their information would be released. No legitimate reason has been presented as to why these officials should be identified, but I do recognise a legitimate interest in the openness and accountability of government and transparency in the actions of government.

2. Is disclosure necessary?

No strong argument has been advanced as to why the disclosure is necessary. Welsh government has previously released details of the presence of these officials in the delegation, as well as all other information requested about the trip. Adding the names of the officials does not further the legitimate interests described above and so I do not find disclosure is necessary.

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

Because disclosure of the personal data is not necessary to meet identified legitimate interests, there is no need to further consider the balance of interests of the requestor against the fundamental rights of the data subjects, and the information is withheld.