

12 February 2024

Dear

### **ATISN 20087- Overseas Offices**

Thank you for your request which I received on 15 January 2024. You asked the following in relation to Welsh Government overseas offices:

1. The number of Welsh Government offices overseas, and where they are located?
2. A breakdown of the number of staff at each overseas office.
3. A breakdown of the annual costs incurred by the Welsh Government at each of its overseas offices, including (but not excluding): total cost of staff wages; total cost of rent or purchase of office; the costs of the expense accounts at each office.
4. A list of purchases made at the Welsh Government's overseas offices made using Welsh Government credit cards.

With regards to the final two questions, you have asked to receive information from the most recent financial year and, if possible, the previous four financial years, beginning from the most recent financial year available.

I have set out at Annex 1, the questions you submitted and my response to each.

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](mailto: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 1

I have provided information against each of the questions you submitted, as follows:

### Question:

1. The number of Welsh Government offices overseas, and where they are located?
2. A breakdown of the number of staff at each overseas office.

<b>COUNTRY</b>	<b>OFFICE</b>	<b>STAFF</b>
<b>China</b>	Beijing	1
	Chongqing	3
	Shanghai	1
<b>India</b>	Bangalore	1
	Mumbai	2
	New Delhi	1
<b>Japan</b>	Tokyo	4
<b>Belgium</b>	Brussels	9
<b>France</b>	Paris	2
<b>Germany</b>	Berlin	2
	Düsseldorf	1
<b>Ireland</b>	Dublin	3
<b>State of Qatar</b>	Doha	1
<b>United Arab Emirates</b>	Dubai	2
<b>Canada</b>	Montréal	2
<b>United States of America</b>	Atlanta	1
	Chicago	1
	New York	2
	Los Angeles	1
	Washington DC	3
<b>Total</b>	<b>20</b>	<b>43</b>

We also have an office in London and this office currently has 3 staff.

### Question:

**3. A breakdown of the annual costs incurred by the Welsh Government at each of its overseas offices, including (but not excluding): total cost of staff wages; total cost of rent or purchase of office; the costs of the expense accounts at each office (the most recent financial year and, if possible, the previous four financial years).**

We are unable to release breakdown of the individual itemised costs per overseas office, this is partly due to the way by which the Welsh Government is charged by the Foreign Commonwealth & Development Office (FCDO) for co-location within its offices overseas (known as platform charges), and partly due to information about staff salaries being exempt under data protection.

The total annual cost of operating Welsh Government offices overseas is shown in the table below for the financial years requested. This includes office rent, FCDO platform charges, spend against activity budgets, staff salaries and on-costs.

Financial Year	2018/19	2019/20	2020/21	2021/22	2022/23
Total Cost	£4,658,331	£5,515,312	£4,475,335	£4,642,819	£5,530,306.

Information on individual salaries is exempt under Section 40 of the Act. Data protection legislation requires us to protect personal information being held in relation to individual members of staff, and others, and to ensure that it is only used for the purposes for which it was collected. As there are a small number of staff in each of the offices, disclosure of the total staff costs for each office is likely to allow the actual salaries of each individual to be identified. We believe that releasing this information would be in breach of the Data Protection Act.

Section 40(2) of the Freedom of Information Act 2000 (FOIA), 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. I have concluded that this relates to the salary of staff.

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:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. 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 Interest Test**

The Welsh Government recognises there is a legitimate interest in expenditure from the public purse. We do not believe, however, there is any legitimate reason why the personal data would need to be released in order to make public the expenditure in this area.

The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

### **2. Is disclosure necessary?**

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request - we do not believe it is necessary to disclose the personal data where it could lead to identification of individual's personal data.

### **3. The Balancing Test**

As it has been concluded it is not necessary to disclose the personal information caught by the request, there is no requirement to balance the rights and interests of those individuals against the rights, under FOIA, of the requester.

To conclude, 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.

### **Question:**

- 4. A list of purchases made at the Welsh Government's overseas offices made using Welsh Government credit cards (the most recent financial year and, if possible, the previous four financial years).**

Credit card payments for 2020/21 is exempt under Section 22 of the Freedom of Information Act (2000) – information intended for future publication.

Credit card payments for previous years is also exempt under Section 21 of the Freedom of Information Act (information readily accessible to the applicant by other means). The

information you have requested can be found, here <https://gov.wales/welsh-government-procurement-card-spend-data-2019-2020>

### **Engagement of section 22(1) (Information intended for future publication)**

Whilst I can confirm that the Welsh Government holds information of this description, it is considered exempt under section 22 of the Freedom of Information Act. This states (inter alia):

*1) Information is exempt information if—*

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),*
- (b) the information was already held with a view to such publication at the time when the request for information was made, and*
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)*

I can confirm that Welsh Government does hold the information being requested – which will be published later this year. For that reason, we believe it is reasonable for the publication plans to remain so as to ensure the accuracy and integrity of the information.

### **Public Interest Test**

Section 22 is a public interest tested exemption. This means that in order to withhold information under it, it has to be shown that the public interest in withholding the information outweighs that in releasing it.

### **Public interest arguments in favour of disclosure**

- The general presumption of openness that the FOIA aspires to; and
- General interest on Welsh Government's expenditure.

Whilst Welsh Government acknowledges the general public interest in openness and transparency that release would engender, we believe the release of information at this stage would be confusing and may not present complete overall data compared to that which will be published.

### **Public interest arguments in favour of withholding**

- The intended publication date is in the not too distant future;
- Information released through the Freedom of Information Act is released to the world and not just the requester. Publishing the requested information now may not reflect the information that will be published on the Welsh Government's website; it could be misleading and not present an accurate picture – time is required for credits for disputed transactions to be applied to the accounts prior to publication as well as time to undertake quality assurance on the transactions and apply any necessary redactions - data that is protected under the Data Protection Act and data that might be commercially sensitive;
- Confusion could arise when comparing different versions of information and potentially leading to incorrect conclusions being drawn; and
- Disclosure of this information before the publication date may compromise trust in the accuracy of official information.

**Balance of public interest test**

On the basis of the above, we conclude that on balance the public interest arguments are in favour of withholding information at this time. The public interest in this data will be met with the publication later in 2021.