

06 June 2025

Dear

ATISN 24699 – Overseas Offices

Thank you for your request for information, which we received on 08 May. In your email you asked for the following in relation to the Head of India who took up the post in April 2023:

1. Was this position advertised?
2. *What salary band is it on?*
3. How many applicants were there?
4. *What experience does the Head of India hold in diplomatic work?*
5. *How many official or otherwise visits has the Head of India made to India (apart from short holidays - if any)?*
6. *Is the Head of India proficient in any of the 22 Official Languages of India particularly Hindi?*
7. *Has he held any meetings with Directors of Indian Owned TATA Steel to try to save primary steelmaking at Port Talbot including Chairman of Tata Sons, the holding company and promoter of all Tata Group companies?*
8. *a) When was the Welsh Government's India office set up?*

b) What is its annual budget cost?

Details of the response to the individual questions are in **Annex A**.

In addition, you can find information on the functions of each overseas office on the Welsh Government website. Here is a link to the relevant page - Welsh Government international office remits - GOV.WALES

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 e-mail: 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

Telephone: 0303 123 1113

Website: www.ico.org.uk

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 - Responses

1. The position was advertised on the Welsh Government's internal recruitment site. The recruitment followed the principles of a fair and open process and was open to all eligible candidates across the Welsh Government
2. Grade 7 salary band.
3. The Welsh Government considers that the disclosure of the number of applicants could result in individuals being identified, and therefore this information is not being disclosed under Section 40 of the Act. Further details are set out at Annex B.
4. The Head of India had the level of experience required in order to pass the recruitment process.
5. Information not held by the Welsh Government.
6. Information not held by the Welsh Government. This was a two-year fixed term position, from April 2023 to March 2025 and the Head of India has now left the Welsh Government.
7. The India team, including the Head of India, has met with representatives from Tata Group. Details of individual meetings are exempt from publication under section 43 (Commercial interests). This is a qualified exemption. Details in Annex C.
8.
 - a) The office in Bengaluru was first established in 2004 by the Welsh Development
 - b) Agency and was fully operational by 2006.
 - c) The budget allocation for the India Office for 2025/26 is £250,000.

Annex B – Personal Data

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 names (and other associated personal information) of those exchanging correspondence.

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 being able to identify the number of applicants for the post, but due to the small number of applicants, we also believe that disclosure of the number could result in individuals being identified if matched with other information that may be obtained. Therefore, we do not believe there is any legitimate reason why the information would need to be released, if there is a possibility that it would lead to a personal data breach.

2. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the information caught by your request.

3. The Balancing Test As it has been concluded, it is not necessary to disclose the number of applicants, there is no requirement to balance the rights and interests of those individuals against the rights, under FOIA, of the requester.

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.

Annex C – Qualified Exemptions

Qualified Exemptions

Section 43 (Commercial Interests)

The exemption states: Section 43(2) exempts information whose disclosure would, or would be likely to, prejudice the commercial interests of any legal person (an individual, a company, the public authority itself or any other legal entity).

Section 43 is a qualified exemption, and a Public Interest Test has therefore been applied. Reasons for withholding the information are detailed below.

Public interest arguments in favour of release:

The Welsh Government acknowledges the general public interest in openness and transparency that release would engender. Further, we recognise that there is public interest in understanding the process by which the Welsh Government discusses economic opportunities with overseas investors, and potential customers for Welsh exporters, and that the release of the information could lead to greater transparency and openness.

Public interest arguments in favour of withholding:

I have considered the information held and believe that the release of the subject matter would be prejudicial to Tata and its commercial interests. Companies have an expectation that their commercial interests remain protected during discussions with government and releasing commercial information could damage future trade and investment opportunities and economic partnerships for those companies.

Furthermore, disclosure of the information, which was generated within a climate of trust and expectation of confidence, would be likely to result in the same trust and confidence being eroded and a reluctance to share information, which would be likely to prejudice relations between both parties on both this and other matters. Such prejudice would not be in the public interest.

I believe therefore that the balance of the public interest falls in favour of withholding the withheld information for the reasons outlined above.