

28 August 2025

Dear

ATISN 25005

Thank you for your request which I received on 30 July. You asked for information as listed at Annex 1.

Please see a breakdown of country of home address for Welsh Government employees below, based on Welsh Government payroll.

I have concluded that some of the information requested is exempt from disclosure under Section 40 of the Freedom of Information Act 2000 – Personal information. This exemption has been applied in relation to the small number of home addresses outside of Wales and England, and those numbers have therefore been aggregated. Further details on this exemption are provided at Annex 2.

All payroll staff by Country

	31 July 2025	31 Jan 2020
Wales	5719	5441
England	154	100
Rest of and outside UK	10	8
Total	5883	5549

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

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 1

1. As of 30 July 2025, how many people were directly employed by the Welsh Government?
2. How many Welsh Government employees have their home address in Wales?
3. How many Welsh Government employees have their home address in England?
4. How many Welsh Government employees have their home address in Scotland?
5. How many Welsh Government employees have their home address in Northern Ireland?
6. How many Welsh Government employees have their home address outside the UK? *(Please provide a breakdown of countries where staff have a home address.)*
7. How many people were directly employed by the Welsh government on 1 February 2020?
8. At that time how many of these employees had a home address outside Wales? *(Please provide a breakdown according to UK nations and countries outside the UK.)*

Annex 2

Section 40(2) – 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 home location of Welsh Government 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 being able to identify where our staff live. We do not believe, however, there is any legitimate reason why the personal data would need to be released in order to understand the information provided (in the aggregated manner). 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 to understand the information.

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.