

5 February 2026

Dear

## **ATISN 26553 – Refined FOI Request relating to ATISN 26528**

### **Information requested**

Thank you for your refined FOI request, relating to **ATISN 26528**, which I received on 8 January 2026. You asked for recorded information covering the period of 1 December 2020 to 31 March 2021, limited to the Local Government Policy Division, Ministers Private Offices and Special Advisers. This is to include:

1. Information relating to Councillor Kevin O'Neill and Merthyr Tydfil County Borough Council, contained in drafts of Written Ministerial Statements (WMS), submissions, advice, emails and briefings. This includes any decision not to issue a WMS.
2. Any recorded considerations, guidance, or assessments regarding interim leadership or governance at Merthyr Tydfil County Borough Council after Councillor O'Neill's suspension, including internal emails or briefings.
3. Any emails, advice, or briefings from Special Advisers that address reputational, political, or media handling issues resulting from the suspension of Councillor Kevin O'Neill.

### **Our response**

For clarification, having responded to your previous requests and understanding the scope of your inquiries, I have interpreted Question 2 to mean 'concerning interim leadership or governance arrangements at Merthyr Tydfil CBC in **relation to or resulting from Councillor O'Neill's suspension.**'

Information held by the Welsh Government in respect of points 1 and 2 in your request is enclosed within **Doc 1 (ATISN 26553) – Correspondence and Briefing:**

1. *Draft* lines prepared for topics for First Minister Questions (January 2021).

During our search, these lines were found and should have been included in our response to you on **ATISN 26370**. I am not sure why these were missed and apologise for this oversight.

2. Extract from an Update Report to the Minister for Housing and Local Government, from Merthyr Tydfil Improvement and Assurance Board Core Team (January 2021).

I have provided the extracts that relate to your question and concern relevant, interim 'Governance Issues.' The remainder of this report covered unrelated subject matter. The headings included: Covid 19 – Impacts; Finance; Transformation Plan; Social

Care; Education.

3. Emails between the Chair of the Improvement and Assurance Board and Welsh Government Officials providing an update on Merthyr (5<sup>th</sup> – 6<sup>th</sup> January 2021).

4. Merthyr Tydfil County Borough Council – Scoping document for evaluating the third phase of statutory support (22<sup>nd</sup> January 2021).

5. The Strengths, Weaknesses, Opportunities, Threats (SWOT) Analysis produced by the Improvement and Assurance Board core team (February 2021).

6. Email from the Chair of Improvement and Assurance Board responding to the scope for evaluating the third phase of statutory support (29 January 2021)

I have decided that some of the information is exempt from disclosure under section 40 of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at **Annex 1** to this letter.

In respect of point 3 of your request, as previously confirmed in **ATISN 26496**, no data is held.

### **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](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

### 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 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:

## Legitimate interests

There is a legitimate interest in information regarding the background of this case, and in accessing information that allows public scrutiny of the actions of public officials. The legitimate interest in part one does not require identification of anyone involved in the case, but in parts two and three, some personal information is necessary to understand the context of what has been requested. There is not, however, an identified legitimate interest in providing the contact details for any parties.

## 2. Is disclosure necessary?

As no legitimate interest has been identified in accessing contact details for any parties in the communication, disclosure of email addresses is not necessary and these details are withheld, along with other contact data. In some cases disclosure of the names in the communications is necessary to understand the context of the communication.

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

Where copy recipients and others in the communications are not senior nor public facing, there is no assumption on their part that their information would be placed in the public domain, and their inclusion in the context of the communication does not add to the understanding of the communication. In these cases we find that release of these names would constitute unfair processing. Neither would it be necessary to release these names to meet the legitimate interests identified above. These names have thus been removed. Where the officials identified are senior or public facing, we have retained their names as, on balance, the legitimate interest in understanding the context of the communications sufficiently outweighs the subject's interests and fundamental rights.

As release of the withheld information is not necessary to meet the legitimate interest 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.

I have decided to withhold the following information, based on Section 40(2) of the Freedom of Information Act – exemption for third party data:

- The **name of officials** contained within the email chains:  
*Between the Chair of the Improvement and Assurance Board and Welsh Government Officials providing an update on Merthyr (item 3 above), and*  
*From the Chair of Improvement and Assurance Board responding to the scope for evaluating the third phase of statutory support (item 6 above)*

- The **name and email addresses** of the officials sending and receiving the emails.
- The **email address** of the Chair of the Improvement and Assurance Board and senior officials.
- The **name and email addresses** of other members of the Improvement and Assurance Board.