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17 May 2016

16-009 Caerleon University Campus

REQUEST FOR INFORMATION – regarding archaeological features on the Caerleon University campus site

Thank you for your request for information. As Museum Secretary for Amgueddfa Cymru - National Museum Wales, I am responsible for responding to your request for information.

I refer to your email of 21 April 2016, in which you asked for the following information:

Under the Freedom of Information Act, can I request information of any archaeological features on the Caerleon University campus site please.

Response

In responding to your email, I will address each element of your request separately.

The information we hold relates to finds we have acquired from the site. These are a stone coffin with human remains (acc. no. 98.1H/1-5); and a sherd from the base of a Caerleon ware pottery vessel (92.16H). Details of the contents of our records are appended to this letter.

The name and address of the donor of 92.16H has been removed as it is a private individual.

This element of the information that you have requested is exempt from disclosure under Sections 40(2) (information contains personal data) of the Freedom of Information Act.

SECTION 40(2)

Section 40 (2) FOIA – Personal data exempt from disclosure

The information requested amounts to personal data and is exempt under section 40(2), FOIA, as disclosure, without the consent of the individuals to whom it relates, to a member of the public otherwise than under the FOIA would breach the first data protection principles. This exemption is absolute and is not subject to the public interest test. Therefore, the information requested is exempt under FOIA section 40(2) and will now be reviewed under the Data Protection Act 1998 (DPA).

Data Protection Act 1998 (DPA)

Section 1(1) DPA – meaning of “personal data”

Information relating to the identity of the individual is personal data within the meaning of the DPA.

Part I of Schedule 1 DPA – first data protection principle

In our view, the disclosure of personal data to a third party would be unfair within the meaning of the first data protection principle. Part II of Schedule 1 to the DPA sets out how the principle of fairness is to be interpreted. It states that, in deciding whether personal data is processed fairly, regard must be had to whether any person from whom it was obtained is deceived or misled as to the purpose or purposes for which they are to be processed. In this case, the identity of the donor was provided for the sole purpose of recording the provenance of the specimen and for this reason, the principle of fairness, disclosure of the personal information would be unfair as the individual only provided the information for that purpose and not for public publication and for that reason the information is being withheld.

The Information Commissioner’s Legal Guidance on the Data Protection Act (available on-line at www.informationcommissioner.gov.uk) advises that the Commissioner takes a strict view of the concept of compatibility. The Commissioner also cross-refers to the DPA’s interpretative provisions on the meaning of fairness, as set out in relation to the first data protection principle above.

The DPA says that, in determining whether personal data is processed fairly, regard is to be had to whether the data subject has been deceived or misled as to the purposes for which their personal data is to be processed. The Commissioner says that this is material in considering whether further processing is incompatible with the specified purposes.

Your request was considered according to the principles set out in the National Assembly’s Code of Practice on Public Access to Information (third edition). The Code is published on the Internet at www.information.wales.gov.uk.

If you believe that I have not applied the Code of Practice on Public Access to Information correctly or have not followed the relevant laws, please contact me to request a first-stage review. If, after that, you are still not satisfied you may request a formal review by the Museum. When dealing with any concerns, we will follow the principles of the National Museum of Wales's Code of Practice on Complaints, which is available on our website at http://www.museumwales.ac.uk/freedom_of_information/publications_scheme / or by post to:

Mr. Neil Wicks
Director of Finance and Corporate Resources
Amgueddfa Cymru – National Museum Wales
Cathays Park
Cardiff
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You also have the right to complain to the Information Commissioner. Normally, however, you should pursue the matter through our internal procedure before you complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Elaine Cabuts
Museum Secretary