

Reference: IR772

Date issued: 6 April 2021

Information about your dealings with Stonewall

I am writing in response to your request for information dated 7 February 2021 in which you requested information regarding Audit Wales' dealings with Stonewall, and further to my email of 5 March 2021, where I explained an extension of time was required. For ease of reference, I have reproduced your questions below in bold, and set out our corresponding responses.

1. Any application you made in 2019 or 2020 to be a “Stonewall Diversity Champion” or to be included on Stonewall’s “Workplace Equality Index,” including any attachments or appendices to those applications. Please redact personal details if necessary.

We registered to become a member of the Stonewall Cymru Diversity Champions Programme in 2017 and have renewed this on an annual basis, to continue our Diversity Champion status. We did make an application for the Workplace Equality Index in both 2019 and 2020 (as well as one prior to this period) – three applications have been made in total.

I am withholding copies of the applications under section 43(2) of the Freedom of Information Act 2000 which exempts information from disclosure where such disclosure would, or would be likely to, prejudice the commercial interests of any person. As disclosure of the completed application could enable other organisations to manipulate their applications, this would be likely to compromise the perceived robustness of the Workplace Equality Index in future, leading to reduced participation and thereby prejudicing Stonewall's commercial interests.

I have considered the public interest in disclosing this information: informing the public about the use of public money and informing bodies as to what may be beneficial for promoting diversity. In relation to the latter, I note that Stonewall publish their [top 100 Employers list](#), on their website, which they compile from the Workplace Equality Index. The case studies ([‘What the Best Employers do’](#)) and report relating to the [top 100 Employers](#) reference the nine areas of evaluation for the Workplace

Equality Index. These materials also provide good practice examples across a range of organisations, and the availability of this information seems to me to reduce the case for providing information that is subject to a confidential assessment process.

Overall, I have concluded that the balance of public interest lies against disclosure. Therefore, on balance I am of the view that the public interest in maintaining the exemption outweighs the public interest in disclosure. In reaching this conclusion I have considered the ICO Guidance on section 43 - commercial interests: <https://ico.org.uk/for-organisations/section-43-commercial-interests/>.

The application information includes some personal information and special category information which was submitted during the application process strictly on the basis that this would be kept confidential between the Wales Audit Office and Stonewall. Stonewall's privacy notice states: "*The information supplied is confidential between Stonewall and the applicant/organisation.- Any ranks outside of the Top 100 will remain confidential between Stonewall and the applicant/organisation*". Disclosure of the personal information would not be within the reasonable expectations of the individuals concerned and would contravene data protection principles. Such information is therefore exempt under Section 40(2) of the Freedom of Information Act 2000. This is an absolute exemption, which means that we do not have to balance the public interest in disclosure.

2. Any feedback you received in 2019 or 2020 from Stonewall in relation to either application or programme.

We received feedback in relation to the Workplace Index applications in 2019 and 2020. I am withholding this information under the exemption at section 43(2) of the Freedom of Information Act relating to the prejudice of commercial interests on the basis outlined in the response to (Q1) above.

The feedback information was provided by Stonewall on the basis that it would be not be shared further and would be treated in confidence. As referenced in Q1, Stonewall's privacy notice states "*The information supplied is confidential between Stonewall and the applicant/organisation.- Any ranks outside of the Top 100 will remain confidential between Stonewall and the applicant/organisation*".

Also, that:

"Any scoring or comments made on the submission is confidential between Stonewall and the applicant/organisation..."

I am therefore also of the view that section 41(1) of the Freedom of Information Act is engaged, which provides that we are not obliged to disclose information that has

been provided to us in confidence. The terms of this exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

3. Any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).

We hold some email communications from Stonewall relating to arrangements for general equality and diversity and unconscious bias training. The emails contain personal data, and I am of the view that this information is exempt from disclosure under section 40(2) of the Freedom of Information Act, as disclosure would contravene the data protection principles. I am also of the view that section 41(1) of the Freedom of Information Act is engaged with some of the content, which provides that we are not obliged to disclose information that has been provided to us in confidence. As above answers to Q1 & Q2, the terms of these exemptions mean that we do not have to engage the public interest test.

4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).

We did not carry out an Equality Impact Assessment on any of our applications.

5. Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services.

The total amounts paid to Stonewall are as follows:

- (i) £4,807
- (ii) £4,200

6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.

We currently have Diversity Champion status and the decision for renewal of this status, or any future Workplace Index application will be reviewed periodically by HR.

Our Diversity Champion status is confirmed on our recruitment page, and Stonewall's Diversity Champion page:

<https://www.audit.wales/jobs>

<https://www.stonewall.org.uk/diversity-champions-members>

If you wish to request an internal review about the handling of your request, please write to Martin Peters, Head of Law and Ethics, by email to martin.peters@audit.wales or by post to Audit Wales, 24 Cathedral Road, Cardiff, CF11 9LJ.

I must also refer you to section 50 of the Freedom of Information Act under which you may apply to the Information Commissioner for a decision on whether or not your request has been dealt with in accordance with the Act. The Information Commissioner's contact details are:

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

email : casework@ico.gsi.gov.uk

Tel: 01625 545745
Fax: 01625 524510

You should note, however, that the Information Commissioner would normally expect you to have exhausted our internal complaints procedures before dealing with such an application. Further guidance may be found on the Information Commissioner's website: <https://ico.org.uk/>

If you have any queries, please do not hesitate to contact me.

Yours sincerely,

Information Officer