



Llywodraeth Cymru
Welsh Government

Sent via email:

7 May 2021

Dear

ATISN 15040

Information requested

Thank you for your request which I received on 30 March. You asked for a copy of the quality controlled reports of Feb-March 2020 relating to the Review of Disposal Sites in Welsh Waters.

Our response

I have decided that the information is exempt from disclosure under Regulation 12(4)(d) of the Environmental Information Regulations 2004 and is therefore withheld. The reasons for applying the exceptions are set out in full at **Annex A** to this letter.

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

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,

Application of Exceptions

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

The information provided in the draft, quality controlled versions of the Review of Disposal Sites in Welsh Waters.

This Annex sets out the reasons for the engagement of **Regulation 12(4)(d) of the Environmental Information Regulations 2004** and our subsequent consideration of the Public Interest Test.

Public Interest Test

The Welsh Government fully support the presumption in favour of disclosing information as set out in the Environment Information Regulations 2004, where appropriate. On 7 October 2020 we provided Friends of the Earth (Barry and Vale) with a copy of the final Review of Disposal Sites in Welsh Waters. The quality control documents requested are drafts which contain incomplete and incorrect information. It would be irresponsible of the Welsh Government to disclose this information. There is a risk the incomplete and incorrect information could be relied upon by third parties without suitable context and it could mislead and distract the public debate on the status and use of Welsh marine disposal sites, undermining the corrected and more complete evidence presented in the final report on the Review of Disposal Sites in Welsh Waters. Disclosing this information could cause harm to the public through misrepresentation of the incomplete and incorrect information.

In conclusion, on balance we consider the public interest arguments in favour of withholding the information are sufficient to outweigh the public interest arguments in favour of release.