



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref ATISN 15334

17 August 2021

Dear

### **Request for Information – ATISN 15344**

I can confirm that we hold information relating to your request. I explained in my letter dated 12 August that your original request was likely to be very time consuming to deal with and asked that you refine your request. I suggested ways in which you could provide a more focused request. Because you have not done so, I have considered your request as you originally submitted.

In the first instance, I am of the view that the information you want me to search for is environmental information and as such I have considered your request under the Environmental Information Regulations 2004 (EIRs). 'Environmental information' is defined in the Regulations as (inter alia) 'information on measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, and also factors such as substances, energy, noise, radiation or waste likely to affect the state of the elements of the environment above'.

I have concluded that your request is both voluminous and complex and will be very time consuming to deal. Under the EIRs, there is no appropriate costs limit above which public authorities are not required to deal with requests for information. However, Reg 12(4)(b), manifestly unreasonable request, can apply if the cost or burden of dealing with a request is too great. This position was confirmed in the Upper Tribunal case of *Craven v The Information Commissioner and the Department of Energy and Climate Change* [2012] UKUT442 (AAC).

*"Taking the position under the EIR first, it must be right that a public authority is entitled to refuse a single extremely burdensome request under regulation 12(4)(b) as "manifestly unreasonable", purely on the basis that the cost of compliance would be*



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

*too great (assuming, of course, it is also satisfied that the public interest test favours maintaining the exception). The absence of any provision in the EIR equivalent to section 12 of FOIA makes such a conclusion inescapable."*

## **Public Interest Test**

Reg 12(4)(b) is subject to the public interest test. I have given consideration to the public interest in disclosing the information. *The Welsh Government recognises the general public interest in openness and transparency and that releasing the information would help the public gain a better understanding of the projects in question and decisions made to improve future rail travel in Wales. The Welsh Government also recognises the public has an interest in how their money is to be, or has been, used to ensure Government gets the best value from the public purse.*

Requesting a broad scope of information (any information) as described over a 20 year timeframe makes the search very difficult and time consuming. Not all the information is grouped in the same place as there are numerous departments and members of staff of the Welsh Government that will have dealt with the subject matter. This would therefore encompass searching individual and team emails/letters/notes etc. across the Welsh Government.

A substantial volume of the information requested is stored on our Electronic Document and Records Management System, known as iShare, and within Outlook e-mail accounts for individual officials. iShare is the corporate repository for the majority of information created and received by Welsh Government Officials in the course of their duties that must be retained for business or historical purposes. Further information about iShare can be found under Section 7 of our Information and Records Management policy, which is available on the Welsh Government [website](#).

Documents are saved on iShare using naming conventions appropriate to the effective recording of information for our own purposes. Setting our systems in this way, and in line with our Records Management policy, enables effective delivery and will not necessarily lend themselves to being easily interrogated for generic requests for information. Where the Welsh Government believes providing such information would involve tasks that would be time consuming to deal with, in line with our obligations under the section 45 Code of Practice, we inform the requester of that fact and invite them to narrow down or re-focus their requests.

A general iShare search using the search terms 'A465 noise report data' and 'A465 road widening project' yielded over five thousand results. At an average estimate of one minute per result to check whether it is relevant to your request and then extracting the relevant information, it would take one official at least a full working week, but it is very likely the work would extend beyond that timeframe.

Additionally, some of the information may also be in paper files, some of which may be in storage which will necessitate requesting a number of box files from our archives. It is also unclear how many boxes there may be in this instance and it would require manually sifting through each file and paper within these files and boxes.

The Welsh Government therefore considers the balance of the public interest lies in favour of refusing your request. This is because it is believed your request would place a substantial and unreasonable burden on Welsh Government resources which are already stretched and on balance, it is considered the public interest would be better served by not deploying our resources in undertaking core work. As part of these considerations we have applied the statutory presumption in favour of disclosure under Reg12(2) of the Regulations but our view is that the significant burden that this request would impose outweighs the public interest in releasing this information.

Your request is therefore refused under Reg 12(4)(b) – manifestly unreasonable, of the EIRs, for the reasons outlined above.

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