



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref : ATISN 15629

22 November 2021

Dear

Request for Information: ATISN 15629

I wrote to you on 27 October regarding your request for information.

Your request

1. Could I please be provided with specific details of the actual geographic locations of each of the disused coal tips identified by Local Authority area?
2. I would like to see copies of the actual information provided by each responsible body to the Welsh Government in assembling this summary list.

Our response

As the information requested is environmental, your request has been considered under the Environmental Information Regulations 2004 (EIRs). For question one, I can confirm Welsh Government holds information of this description. However, after due consideration we believe it should be withheld under the exception contained in Reg 12(4)(d) of the EIRs. This states:

12.—(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data

Guidance from the Information Commissioner has confirmed that “Material which is still in the course of completion can include information created as part of the process of formulating and developing policy, where the process is not complete; draft documents are unfinished even if the final version has been produced; data that is being used or relied on at the time of the request is not incomplete, even if it may be modified later”. I can confirm

that the information captured by your first request meets this description. It is the intention to publish all of the information after all of the quality assurance processes have been completed. The information is expected to be published in the first half of next year.

Regulation 12(4)(d) is a qualified (public interest tested) exception. Even if the exception is engaged, public authorities must go on to apply the public interest test set out in regulation 12(1)(b). A public authority can only withhold the information if the public interest in maintaining the exception outweighs the public interest in disclosing the information. Because of this, consideration has been given to the effects of disclosure to the world at large rather than any personal interest you may have in being provided with the information.

Public Interest Test

The Welsh Government acknowledges the presumption in favour of disclosure under Regulation 12(2) and we acknowledge there is a public interest in openness and transparency within Government, particularly in terms of ensuring transparent and accountable government by disclosing how the Welsh Government utilises its resources, spends public money and that both are invested wisely on behalf of the people of Wales.

As outlined above, the Welsh Government has committed to publishing the information once it is complete. At that time, it will be published in a co-ordinated manner, with supporting contextual narrative, to all people at the same time. An accelerated release of incomplete material will result in inaccurate and incomplete information being disclosed prematurely, thus misleading the public. This could result in a raised number of public concerns / queries that could delay the full publication.

To that end, it is not in the public interest to release this incomplete data prematurely. Rather, we believe the public interest would be best served if the information were released to all people at the same time, together with supporting contextual narrative.

To conclude, the Welsh Government believes the balance of public interest to withhold the information outweighs the public interest to release it for the reasons outlined above. The information has therefore been withheld under Regulation 12(4)(d) of the EIRs.

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