

11 February 2022

Dear

**Complaint in respect of Requests for Information – references ATISN 15588, ATISN 15760 and ATISN 15918**

Thank you for your emails of 15 and 18 January in regard to Request for Information ATISN 15588 and your email of 26 January in regard to ATISN 15762 and 15799. You raised the following issues:

**ATISN 15588**

1. The length of time taken to respond to the request;
2. That requested training materials were not supplied in our answer;
3. That the business case may have been written for the reply and that there may be another full business case that has not been disclosed.

**ATISN 15760 and ATISN 15918**

4. That the requests should not have been refused under the appropriate limit.

**ATISN 15588**

On the matter of the length of time taken, we acknowledge the response was not answered in the statutory timescale and once again apologise for the delay in the late reply to your request.

On the matter of the training materials, as we stated in our response, these are not held by us. We have conducted another search to be certain of this, and I can confirm that Welsh Government does not hold a copy of these materials.

I can also confirm we did not exempt this material under any FOI exemption. The materials are not held.

On the matter of the business case, I can confirm that we do not hold any documented business case. The document supplied to you was the unaltered

Project Initiation Document and constitutes the only information held by us that is captured by a request for a business case.

I have asked officials why no other business case was produced and am satisfied with their explanation that none was required.

As a general principle, requests for information under the Freedom of Information Act are for information rather than documents. Officials handling your request discussed the fact that no business case document is held, but took the view that your request did capture the information in the project initiation document, as that information described the project and provided the same information as one might expect in a formal business case document. Officials have therefore met their obligation to provide you with information held by Welsh Government that answers your request.

In any case Welsh Government holds no other document that meets the description of a business case.

I can also confirm, in answer to your new queries, that:

1. The date on which the business case was produced.

The file contains the date of September 2020.

2. The name of the person (name and position) who proposed the Business Case.
3. The person/board (name and position) who approved the Business Case.
4. The date the business case was approved.
5. The person who is the Project Sponsor.
6. The signatures of all the above personnel.

This information is not held, as per the explanation above.

### **ATISN 15760 and ATISN 15918**

In your email of 26 January you make the point that three of the requests that were refused together with your two requests above were not made by you. You say that as only these two requests were from you, that the requests could not therefore have exceeded the appropriate limit.

In my review, I must first decide whether officials were justified in aggregating requests ATISN 15760 and ATISN 15918 with requests ATISN 15762, ATISN 15788 and ATISN 15755. Only if they were not justified in aggregating these requests would I need to examine whether the time taken to process these requests, along with time taken to process previous requests from you in the last 60 working days would exceed the appropriate limit.

As explained to you in our response, guidance from the ICO states that (my emphasis):

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, **or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;**
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

[costs of compliance exceeds appropriate limit.pdf \(ico.org.uk\)](#)

To be justified in amalgamating the requests from the second requestor, we must show that you and the other requestor appear to us “to be acting in concert or in pursuance of a campaign”.

The other requestor is, in fact, your business partner. This is demonstrated, for instance, with a search of public records at Companies House, which lists you as the Director of Fields Mansion Ltd, and that you and the second requestor are the two “persons with significant control”.

[FIELDS MANSION LTD persons with significant control - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](#)

As all the requests that came in on this matter are from you and your business partner and are on the same subject matter, it appears that you are acting in concert and/or in pursuance of a campaign.

I therefore uphold the decision to amalgamate these requests and thus our decision to refuse the information under Section 12 of the FOIA.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

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

Tel: 01625 545 745  
Fax: 01625 524 510  
Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)  
Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Yours sincerely

Christiane Glossop  
Chief Veterinary Officer