

10 February 2023

Dear

Request for Information – ATISN 16923

Thank you for your request which I received on 2 December 2022. You asked for:

- The most recent structural report that has led to the closure of the Menai suspension bridge;
- The maintenance schedule for the bridge over the last 10 years with dates of inspection.

Our response

Please accept our apologies for the delay.

In response to point 1 above, please find enclosed - UK Highways, Bridge Management Principal Inspection Report, Menai Bridge (Structure Ref. A5 Menai Bridge) December 2019 as completed by Atkins.

For the point 2 please find attached the maintenance schedule and dates of inspection for the last 10 years.

I am withholding some personal information within these reports under Regulation 13 of the Environmental Information Regulations (Personal Data) and my reasons for applying this exception are at annex 1 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.of.information@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

Annex 1: Application of Exemptions

Engagement of (Regulation 13) of the Environmental Information Regulations 2004

Regulation 13(1) together with the conditions in Regulation 13(2)(a)(i) and 13(2)(a)(ii) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 2018 ('the DPA 2018') and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested contains third party personal data.

Under Regulation 13(1) of the EIRs, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:]

"processed lawfully, fairly and in a transparent manner in relation to the data subject"

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child".

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:-

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate interests

The requestor has requested reports regarding the Menai Bridge. There is a legitimate interest in the content of the report, which includes a legitimate interest in understanding that the report has been created to appropriate professional standards and with suitable expertise.

2. Is disclosure necessary?

The information requested does not state a purpose for which it is requested, but there is no reasonable expectation created in the request that the requestor wishes or needs to understand or know the names of those who drafted the report. Redacting the personal information still ensures that we are supplying sufficient information to establish the identified legitimate interests above.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

As the interests of the requestor can be achieved without the disclosure of personal information, the information will be released with redaction of personal identifying information. This protects the data subject's interests whilst ensuring transparency.