

9 November 2023

Annwyl / Dear

### **Complaint in respect of Request for Information – reference ATISN 18762**

I have been appointed to undertake the review requested by you in your letter of 12 October 2023. My review included discussions with Mr Sparey and colleague's in PEDW involved in the transfer of data from the Planning Inspectorate and our data retention policy. In my position of Head of Wales in the Planning Inspectorate pre transfer I was also involved in overseeing the data transfer.

I apologise for the omission of the words 'in the alternative' in the first paragraph of our letter of 18 August. I can assure you, having discussed the matter with Mr Sparey, he did consider that in his investigations and formulating his response and took into account all the documents in Appendix 2.

Further, as you rightly point out our retention policy has not been published. A copy of the policy, which has recently been reviewed accompanies this letter.

The review is structured as set out in paragraph 2.2 of your letter of 12 October.

#### A single extremely burdensome request

The transfer of the staff and functions of Planning Inspectorate Wales to Welsh Government involved, amongst other things, the Planning Inspectorate transferring over 130,000 documents to Welsh Government, not counting case related documents of which there were many thousands. This work was sub-contracted under the supervision of the Planning Inspectorate's IT Team.

As indicated by Mr Sparey, the two electronic files for Morlais include 2,500 or so application and Inquiry documents. These documents were not properly organised or named when transferred from the Planning Inspectorate. The Planning Inspectorate did not retain any casework documents.

Dropbox was utilised as a convenient way for parties to access documents at the Inquiry and our account with Dropbox was closed shortly after the Minister's decision. We no longer have an account with Dropbox and cannot envisage a reason they would still have those documents. Consequently, PEDW has not contacted Dropbox since the account closed.

The Inspector's report was submitted to Welsh Government Planning Division who were responsible for producing advice to the Minister. Planning Division has access to and utilises our evidence base in all cases we report to the Minister and, as far as I am aware, PEDW holds the only files for this case.

No backups were made to the hyperlinks. The only source of the information in the hyperlinks is the two files we hold. Annex 1 to our letter of 18 August sets out the work required to meet your request. I am satisfied the estimate of 361.25 hours is fair and demonstrates the significant cost of dealing with your request which would be extremely burdensome.

#### Retention period

Our retention policy is 12 months for data submitted in relation to a case. The documents supporting the Inspector's report and Minister's decision were de published in accordance with our retention policy.

#### No longer important

Inspector's reports are written for Ministers to consider in reaching their decisions on an application or appeal. Appendix 2 was included to aid the Minister's deliberations by providing convenient links to the evidence base. However, the reasoning in both the Inspector's report and Minister's decision stands on its own and the reader is able to understand the reason for the recommendation and decision without the need to refer to the documents in Appendix 2. I do not agree, therefore, that the documents listed in Appendix 2 are integral to the understanding or standing of the Inspector's report or Minister's decision.

#### Passage of time

I agree the fact that almost two years has passed since the Minister's decision is not an indication that any wider public interest in the decision to make the Order has waned. However, to conclude:

- All documents relating to the application for the proposed Morlais Demonstration Zone Order and deemed planning permission are stored in two files held by PEDW and, as far as we are aware, nowhere else,
- Links to these documents were severed in accordance with our retention policy.
- For the reasons given in Annex 1 to our letter of 18 August, it would take a considerable amount of time to retrieve and redact those documents,
- The Inspector's report, the reasons for his recommendations and the Minister's decision can be understood without the information in Appendix 2.

I am, therefore, satisfied that the public interest in supplying the information you seek does not justify expending the time and resources necessary to retrieve and present the documents in a way that would be GDPR compliant.

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

*A Thickett*

Deputy Chief Planning Inspector