

7 December 2023

Dear

**ATISN 19270 - Listed Buildings At Risk Register**

Thank you for your request of 8 November 2023 which I received on 9 November 2023.

You asked that we provide written answers to the following specific questions:

1. How many listed buildings have been inspected by the Handley Partnership each year since the inception of the scheme?

The Handley Partnership Ltd were first contracted by Cadw in 2012 to undertake an inspection of the condition of all listed buildings in Wales. All listed buildings are inspected once during the 5-year contract period, which equates to approximately 6000 buildings annually. The actual number of buildings surveyed each year fluctuates depending on the size of local authority areas and other factors, for example survey figures were significantly impacted by the Covid pandemic and more recently by the Avian Flu pandemic.

2. Confirmation that Cadw is aware the Heritage At Risk Register produced by Historic England is available on-line and can be downloaded (private data being excluded) without breaching data protection regulations.

Cadw is aware that Historic England produce an online register of Heritage at Risk based on a select survey of buildings of specific grades - buildings listed at Grade I, Grade II\*, all grade II listed places of worship in England and all grade II listed buildings in London. We understand that Historic England contacts the owners of the said listed buildings prior to their inclusion on the public register. Cadw has not notified any owner that it will publish such data as it was not the intention to make it publicly available. Therefore, before releasing or publishing data relating to an individual owner's property, we would consider it appropriate to notify owners prior to doing so.

3. To receive the list of Listed Buildings At Risk, to include as a minimum the address of the property, its Heritage status (Grade) and the level of risk assessed.

The release of the information requested could potentially disclose personal data. By attributing a risk score to the address of privately owned property, revealing information about a buildings condition and occupancy status, this raises questions about the owner and their personal circumstances and places their property at higher risk from crime.

I have therefore decided that this information is excepted from disclosure. My reasons are set out in full at Annex A to this letter.

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  
[FreedomOfInformationOfficer@gov.wales](mailto:FreedomOfInformationOfficer@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 A – ATISN 19270

### Regulations 13 of the Environmental Information Regulations 2004

I have decided to withhold the following information:

Information being withheld	Section number and exception name
Personal information of: - Address and risk status of private properties that could reveal personal data about living individuals.	Regulation (13) of the Environmental Information Regulations: the information requested includes personal data of which the applicant is not the data subject.

#### Environmental Information Regulations: Personal data

Regulation 13 of the EIRs provides an exception 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, 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**

Requests for information are normally handled as applicant and purpose blind. As you have not set out any specific interests of your own in receiving this information, we are obliged to assess it on the general interests of openness and transparency that release of the information would engender. Welsh Government acknowledges the public interests in this.

### **2. Is disclosure necessary?**

In terms of the public interest of transparency around at risk listed buildings, we believe the information we are releasing (contained within the document at Annex B) provides details of the numbers, risk status and grade of listed buildings in Wales at a local authority level. We believe release of this information is sufficient to satisfy the public interest in openness and transparency.

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

Whilst we believe the general interests of openness have been satisfied, it is our belief that the address of the properties amounts to personal data in that individual owners could potentially be identifiable from them. Disclosure could give rise to unwarranted intrusion on the individuals privacy and could lead to unnecessary and unjustified harassment and harm to their reputation and their property. These individual owners would have no reasonable expectation that information on the condition of their buildings would be made public and so we believe release would be 'unfair'.

In the absence of an identifiable, legitimate interest in the release of the addresses, we believe the data subject's interests take precedence.

As release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under Regulation 13 the EIRs.

## Annex B – ATISN 19270

Please note this data is correct as of 4 December 2023

Data is subject to continual change as surveys are underway. Data relating to buildings not yet inspected, under this current round of surveys, will be more than 5 years old.

LPA	Grade	Number of Buildings		
		At Risk	Vulnerable	Not at Risk
Blaenau Gwent	II	5	6	32
Blaenau Gwent	II*	4	1	5
Brecon Beacons NP	I	3	0	36
Brecon Beacons NP	II	164	208	1399
Brecon Beacons NP	II*	8	11	115
Bridgend	I	0	0	8
Bridgend	II	29	41	246
Bridgend	II*	2	6	29
Caerphilly	I	0	0	2
Caerphilly	II	59	41	299
Caerphilly	II*	13	6	13
Cardiff	I	1	0	15
Cardiff	II	30	98	783
Cardiff	II*	1	6	35
Carmarthenshire	I	0	4	17
Carmarthenshire	II	162	224	1246
Carmarthenshire	II*	10	17	88
Ceredigion	I	0	0	11
Ceredigion	II	157	180	1491
Ceredigion	II*	4	8	94
Conwy	I	5	1	20
Conwy	II	125	217	1180
Conwy	II*	6	12	72
Denbighshire	I	2	2	23
Denbighshire	II	126	214	1285
Denbighshire	II*	12	11	142
Flintshire	I	1	1	25
Flintshire	II	106	114	707
Flintshire	II*	8	5	66
Gwynedd	I	0	4	35
Gwynedd	II	230	312	1830
Gwynedd	II*	12	20	95
Isle of Anglesey	I	1	5	33
Isle of Anglesey	II	116	148	754
Isle of Anglesey	II*	7	10	83
Merthyr Tydfil	I	0	0	2

Merthyr Tydfil	II	21	15	162
Merthyr Tydfil	II*	1	2	7
Monmouthshire	I	1	3	40
Monmouthshire	II	145	174	1638
Monmouthshire	II*	11	16	199
Neath Port Talbot	I	1	0	6
Neath Port Talbot	II	68	64	217
Neath Port Talbot	II*	1	9	27
Newport	I	0	0	9
Newport	II	27	69	305
Newport	II*	4	4	15
Pembrokeshire	I	1	4	18
Pembrokeshire	II	154	173	1170
Pembrokeshire	II*	10	24	76
Pembrokeshire Coast NP	I	4	9	19
Pembrokeshire Coast NP	II	68	109	938
Pembrokeshire Coast NP	II*	4	9	61
Powys	I	0	4	41
Powys	II	292	360	2970
Powys	II*	12	12	218
Rhondda Cynon Taff	I	0	2	1
Rhondda Cynon Taff	II	44	48	225
Rhondda Cynon Taff	II*	12	3	20
Snowdonia NP	I	0	0	13
Snowdonia NP	II	165	189	1383
Snowdonia NP	II*	6	8	102
Swansea	I	1	1	6
Swansea	II	46	58	363
Swansea	II*	4	5	33
Torfaen	I	0	0	3
Torfaen	II	29	36	153
Torfaen	II*	2	0	21
Vale of Glamorgan	I	0	3	30
Vale of Glamorgan	II	66	79	490
Vale of Glamorgan	II*	2	8	62
Wrexham	I	0	5	16
Wrexham	II	80	124	771
Wrexham	II*	6	4	73