

31 January 2024

Dear

ATISN 20060

Thank you for your request which I received on 08/01/2024. You asked for:

“Application is made for the production of the Gwyr CLT business plan”.

I have interpreted this as being:

“you would like a copy of the Gwyr CLT business plan that supported its application for grant funding from the Welsh Government”.

Our response

In researching our archives for information pertaining to the Gwyr CLT business plan I found 34 file records which may be captured by the request. There are 8 files in particular which either contain the business case or which were received from Cwmpas regarding additional information requested by the review panel. The total word count associated with these 8 files are over thirty three thousand.

I have reviewed all of the documentation records and files and have decided that exemptions from disclosure would need to be applied, these are:-

Section 21 – information already reasonably accessible

The business case contains information that is currently available to the public. This is mainly, but not limited to, the way in which CLT’s operate and are funded.

Section 38 – endangering health and safety

The business plan holds information relating to the health and wellbeing of individuals of the CLT and to release such might cause distress and endanger physical or mental health or safety of those individuals.

Section 40(2) – personal information

The business plan holds information relating to the personal data of third parties whereby its release would breach any of the principles in the UK GDPR.

Section 41 – confidentiality

The business plan was supplied by Cwmpas to the Welsh Government and its release would not only be a breach of confidence between Cwmpas and the Welsh Government but also between Cwmpas and Gwyr CLT and between the Welsh Government and Gwyr CLT.

I would need to seek specialist legal advice regarding this information and its release. I would then need to balance that advice with the public interest test and form a conclusion regarding release or withholding on every separate detail within the plan.

Section 43 – trade secrets and prejudice to commercial interests

The business case contains commercial information and I would need to obtain specialist legal advice pertaining to its release. I would then need to balance that advice with the public interest test and form a conclusion regarding release or withholding on every separate detail within the plan.

From my preliminary assessment, I estimate that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer your request. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to locate, retrieve and extract the information you have requested and consider the exemptions that I would need apply. Consequently, I have determined I am unable to comply and provide you with the information you have requested.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain however, I would advise that you do this bearing in mind what exceptions would be applied. i.e. if you specifically request the financial model proposed in the business case it may not be released as Section 41 – confidentiality and Section 43 – trade secrets and prejudice to commercial interests, would be applied.

I appreciate that you have a genuine interest in the Gwyr CLT project and have been in touch with your local Senedd Member regarding it. In an effort to further your interest, I have spoken with Cwmpas directly on the matter and they are open to you contacting them to discuss the proposal although they would not be able to discuss any personal or commercial information, much like the above exemptions. The contact at Cwmpas is Mr Jonathan Hughes. jonathan.hughes@cwmpas.coop

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.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