

25 February 2025

Dear

**ATISN 23335 - Aion Capel y Bedyddwyr / Aion Welsh Baptist Chapel**

Thank you for your email which I received on Monday 3 February 2025. You asked for:

- Copies of all the information Cadw holds on Aion Capel y Bedyddwyr / Aion Welsh Baptist Chapel in Treorchy, including photographs, documents, and any other relevant information.

The information you requested is enclosed – please see index of documents at Annex A.

I have redacted the personal information of Cadw officials from Doc.2b; and of Cadw officials and a member of the public from Doc 3 under Regulation 13 of the Environmental Information Regulations 2004.

I have also redacted ownership and occupancy details from survey data for the property undertaken by Cadw's contracted service provider The Handley Partnership Ltd (Doc 5). The release of the information requested could potentially disclose personal data. The assessment evaluates the building's risk from neglect and decay, attributing a risk score relating to condition, use and occupancy. In combination this data could be used to reveal information about an owner's personal circumstances and therefore I have decided that this information is excepted from disclosure under Regulation 13.

In addition, the release of this information could expose the property to an elevated risk from crime. I have therefore decided that this information is excepted from disclosure under Regulation 12.

My reasoning for doing so is set out at Annex B and C of 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 or email: [freedomofinformation@gov.wales](mailto:freedomofinformation@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,

## Ainon Capel y Bedyddwyr / Ainon Welsh Baptist Chapel

### Index of Documents Released

Doc 1a	Resurvey photo – exterior – dated August 1996
Docs 1b-d	3x Resurvey photos – interior – dated September 1996
Doc 2a	Annotated draft listing description, dated after September 1996
Doc 2b	Signed longform listing description, dated 20 December 1996 (redacted)*
Doc 3	“Regrading” request & subsequent discussion between Cadw officials (redacted) – 15 April to 27 July 2010
Docs 4a-d	Inspection photos – exterior – dated 17 May 2007
Doc 4e	Inspection photo – exterior – dated 17 March 2011
Doc 4f	Inspection photo – exterior – dated 25 November 2016
Doc 4g	Inspection photo – exterior – dated 1 November 2023
Doc 5	Handley Partnership Condition Assessment (redacted) – dated 1 November 2023

\*It is understood the owner was notified of listing on 20 December 1996, but no copy of the letter has been retained.

**ATISN 23335**

Regulation 13 of the Environmental Information Regulations 2004

I have decided to withhold the following information:

<b>Information being withheld</b>	<b>Section number and exception name</b>
Personal information of: <ul style="list-style-type: none"> <li>• Welsh Government officials, present and past;</li> <li>• A member of the public; and</li> <li>• Information on ownership, occupancy and use of a private property that could reveal personal data about living individuals.</li> </ul>	Regulation (13) of the Environmental Information Regulations: the information requested includes personal data of which the applicant is not the data subject.

**Engagement of Regulation 13**

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.

I have concluded that, in this instance, the information requested contains personal data.

Guidance from the Information Commissioner's Office states:

- The starting point is to consider whether it would be fair to the data subject to disclose their personal data;
- If disclosure would not be fair, then the information is exempt from disclosure.

I have considered the public interest test set out in regulation 12.1b and concluded that the individual(s) concerned would have a reasonable expectation that their personal data would be kept confidential and not disclosed to the world at large. It would be unfair to the individual concerned to release their personal data. Disclosure would give rise to unfair and unwarranted intrusion on the individual's privacy in the circumstances of this case and has the potential to cause unnecessary and unjustified harm to the individual in this case.

Release of this information may also breach article 8 of the European Convention on Human Rights – a right to respect for one’s “private and family life, home and correspondence.”

I have thus concluded that in in this case, disclosure would not have been within the reasonable expectation of the individual and the loss of privacy would cause unwarranted distress. It is my view that disclosure of would breach the first data protection principle, and so are exempt from release under regulation 13 of the Environmental Information Regulations 2004.

## Regulation 12 of the Environmental Information Regulations 2004

I have decided to withhold the following information:

<b>Information being withheld</b>	<b>Section number and exception name</b>
Information on occupancy of a private property that could adversely affect it.	Regulation (12.5g) of the Environmental Information Regulations: a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the protection of the environment to which the information relates.

Regulation 12 of the EIRs provides an exception if disclosure of the data would adversely affect the protection of the environment.

Guidance from the Information Commissioner's Office states:

This is a qualified exception. That means that, even if the exception applies, you must still consider the public interest test set out in regulation 12(1)(b). You can only withhold the information if the public interest in maintaining the exception outweighs the public interest in disclosing the information. Regulation 12(2) states that you must apply a presumption in favour of disclosure. That means that if the public interest factors are evenly balanced, you must disclose the information.

Making environmental information available to the public ultimately contributes to a better environment. This is because it increases people's awareness and understanding of environmental issues. This important principle underpins the EIR. However, there may be situations when disclosing the information would actually have an adverse effect on the environment. The EU Directive 2003/4/EC, from which the EIR originally derive, says that a request may be refused if disclosure of the information would adversely affect "the protection of the environment to which such information relates," (Article 4(2)(h)).

I have considered the public interest test set out in Regulation 12.1b and concluded that the owners would have a reasonable expectation that the building's occupancy data would be kept confidential and not disclosed to the world at large. Disclosure of occupancy could expose the building to interference or damage, and therefore disclosure could adversely affect the protection of the environment.

It is my view that disclosure of this information is exempt from release under Regulation 12 of the Environmental Information Regulations 2004.