

10 March 2025

Dear

Request for information - ATISN 24353

Thank you for your request which I received on 10 February.

Your Request

You asked for the following information:

1. Full records with dates of meetings, communications, site visit records, plans and legal agreements made with respect to the arrangements, construction and finance of the access track and the splay onto the A470. These may involve employed representatives or departments or elected members of the Welsh Government or others contracted by the Welsh Government or Powys County Council and JOHN JONES (CIVIL ENGINEERING & GROUNDWORKS LTD). We would like to know whether a) Natural Resources Wales or b) Powys County Council was consulted or otherwise involved and receive any relevant information as above.
2. Any information about any contracts for any construction, civil engineering or groundwork projects made between any representative or department of the Welsh Government and JOHN JONES (CIVIL ENGINEERING & GROUNDWORKS LTD) in any location with dates, full description of work and payments since the beginning of 2005.
3. Details of any tenders for works as in 2 either invited or received by the Welsh Government
4. Any information about grants, subsidies, payments or donations made by any representative or department of the Welsh Government to JOHN JONES (CIVIL ENGINEERING & GROUNDWORKS LTD) for works at any location with dates, and full description since the beginning of 2005.
5. Any donations by JOHN JONES (CIVIL ENGINEERING & GROUNDWORKS LTD) made to individual elected representatives in the Welsh Government or to political parties represented in the Welsh Government.

Our response

I can confirm that the Welsh Government holds some of the information you have requested. I have concluded, however, that most of this information is exempt from disclosure under Section 21 of the Freedom of Information Act 2000, information otherwise available.

All directions are available on the general on Powys Planning portal, links below:

[Planning - Powys County Council](#)

[Simple Search](#)

Following a check of our Development Control records and information, they have shown that the Welsh Government responded to Powys County Council's statutory Planning Consultation (ref 23/0339/FUL referred to in your FOI request) on 12 September 2023 in line with all similar planning applications that can potentially impact our trunk road network. A copy of the letter is appended at Annex A. This is our response to Powys County Council detailing a site-specific Conditions Response that the Welsh Government would require being added to the overall planning conditions that PCC would impose themselves should planning permission be granted. No further communications have been entered into since that date. Also attached at Annex B, is a copy of the email from WSP Global Inc. to the AJN Design Survey regarding the pre-planning, Cwrt Gwenddwr, Builth Wells.

No direct contact was made with the scheme proposer or designer, all communications were via the official DC channel direct to PCC as statutory planning body for the area of the site.

For question one, we hold on record a letter to John Jones Civil Engineering and Groundwork dated 6 April 2020, regarding the stability of the land above the A470. A copy of this letter is attached at Annex C.

Any personal information in Annex A, B and C has been removed under Section 40 of the Freedom of Information Act, personal information. Full reasoning for applying this exemption is appended at Annex D.

For question four, following a search on our grants and payments systems, we found no records of grant funding or payments made to John Jones Civil Engineering.

For your final question, donations cannot be made to the government but can be made to the Labour Party. Any political donations would not be known to us in the Welsh Government, rather they would be a matter for either the political party, the Senedd Members themselves or the Senedd. Therefore, no information is held by us.

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: 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.

Personal Information

The request you sent me contains personal information about you - for example, your name and email address. The Welsh Government will be the data processor for this information and, in accordance with the General Data Protection Regulation, it will be processed in order to fulfil our public task and meet our legal obligations under the Act to provide you with a response. We will only use this personal information to deal with your request and any matters which arise as a result of it. We will keep your personal information and all other information relating to your request for three years from the date on which your request is finally closed. Your personal information will then be disposed of securely.

Under data protection legislation, you have the right:

- to be informed of the personal data we hold about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further information about the information which the Welsh Government holds and its use, or if you wish to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

Email: DataProtectionOfficer@gov.wales

Any information released under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 will be listed in the Welsh Government's Disclosure Log (at <https://gov.wales/about/open-government/freedom-of-information/responses/?lang=en>).

Yours sincerely

Application of exemptions

Annex D

The Freedom of information Act provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

We have decided to withhold the following information:

- The personal data contained in the information you have requested under Section 40 of the Freedom of Information Act 2000 (FOIA), personal data.

This Annex sets out the reasons for the engagement of Section 40 of the FOIA.

Engagement of S40(2) – Personal Data

The Welsh Government believes the personal data contained in the information being released with this request should be exempt from disclosure

Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), 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, some of the information contained within the information caught by your request contains third party personal data. Specifically, this relates to correspondence containing the name of a Welsh Government official and the name of a WSP official.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the UK 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) of the UK GDPR. 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:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. 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 Interest Test

The Welsh Government recognises there is a legitimate interest in being able to identify the parties involved in any communication in order to follow the flow of that communication. We do not believe, however, there is any legitimate reason why the personal data would need to be released. The Programme Delivery Manager is not a senior role within the Welsh Government, therefore we cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

2. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request. It is straight forward, even when withholding the personal data, to follow the text included in the letters/emails and to identify the organisations sending and receiving the information. As such we do not believe it is necessary to disclose the personal data.

3. The Balancing Test

As it has been concluded that there is no necessity to disclose the personal data of another individual, the fundamental rights and freedoms of the affected third party prevail in this instance and releasing the information cannot be justified under Article 6(1)(f).

Conclusion

To conclude, 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 section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.