

23 June 2025

Dear

EIR/REQ/LGH&CCRA/Maendy Quarry (24463) INTERNAL REVIEW

Thank you for your request for an internal review of the response you received to your recent request for information **ATISN 24463 – Maendy Quarry Information and Correspondence**.

I have reviewed your original request for information, the response that was sent to you on the 26 March, and the request for a review.

My findings for each of the points raised in the request for a review are as follows:

- I have reviewed the information that was redacted/ withheld as part of the original response and can confirm that the original response should have provided an explanation of why information was not provided.

In my view the information was correctly redacted. I can confirm that the information was redacted for the following reasons:

Regulation 13 (1) to the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition below is satisfied, a public authority shall not disclose the personal data. Full details of the application of the exception is provided in Annex B

In addition there are a number of redactions that relate to a different site and, as such, were not caught by your request.

- I have reviewed the information provided in relation to point 2 of your request, and can confirm that the original response should have included information about the testing. I do not believe that the information was withheld deliberately and its omission was an oversight.

Please find attached the information that should have been included in the original response at annex a.

- With regard to point 3, I can confirm that the information requested does not exist.

I have considered your complaint in accordance with the procedure outlined in the [Welsh Government's Practical Guide for Making Requests for Information](#) which is available by post on request or via the internet.

If you remain dissatisfied with this response you 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.

Yours sincerely

Deputy Director, Mining Legacy and Reservoir Safety

Annex A – Laboratory Testing Results – Maendy Quarry



Maendy (2).zip

Annex B

Regulation 13– Personal data

Regulation 13(1) together with the conditions in Regulation 13(2)(a)(i) and 13(2)(a)(ii) 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, the information requested contains third party personal data.

Under Regulation 13(1) of the EIRs, 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

Whilst we recognise that there is a legitimate interest in accessing information relating to the monitoring of the site, we do not believe that there is a legitimate interest in the provision of personal data for individuals working in this area.

2. Is disclosure necessary?

We do not believe it is necessary to release the names of individuals for the discussions and exchange of information to be understood. The provision of this data would not add to the understanding of the information provided or provide any additional context.

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

As we do not believe disclosure would further the understanding of the information released we do not believe any interest in accessing these details outweigh the data subjects' interests, fundamental rights or freedoms.

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 Reg13(1) of the Environmental Information Regulations. Reg 13 is an absolute exception and not subject to the public interest test.