

12 June 2025

Dear

ATISN 24727 - Terms and Conditions of Grant Award to Wales and West Housing Association

Information requested

Thank you for your request which I received on 16 May 2025. You asked for a copy of the Terms and Conditions of the Grant Award of £9,596,977 to Wales and West Housing Association in respect of the new residential development site at New Mill Road Cardigan.

Our response

The Acquisition and Construction grant offer letters in respect of New Mill Road are attached separately at Annex B and C.

I have decided that some of the information is exempt from disclosure under section 40 (Personal Information) of the Freedom of Information Act and is therefore withheld. Consequently, individual names, email addresses, job titles and signatures from the grant offer letters have been redacted. The reasons for applying this exemption are set out in full at Annex A to this letter.

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

ANNEX A

Application of exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations provide 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.

I have decided to withhold the following information:

- Individual names, email addresses, job titles and signatures from the grant offer letters have been redacted – Section 40(2) – Personal information

This Annex sets out the reasons for the engagement of section 40(2) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Section 40(2) – Personal Data

Section 40(2) 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 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 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

The personal data includes individual names, email addresses, job titles and signatures from the grant offer letters, captured by this request. The legitimate interest lies in the information held, and in understanding the context of that information.

2. Is disclosure necessary?

Disclosure of the personal data is not necessary for the legitimate interest where those names, contact details and signatures included in the grant offer letters are not senior or public facing, and were acting in an administrative capacity on behalf of their organisations and would not expect their personal data to be made public.

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

Because the disclosure meets the legitimate interest with the personal information redacted, disclosure of the personal data is not necessary. There is no need to further consider the balance of interests, and the information is withheld.