

Our ref: ATISN 26460+

Date: 21 January 2026

Dear

Re: Complaint in respect of multiple ATISN requests on Nation of Sanctuary

Further to your email of 20 December and your request for an internal review into our response to your requests, I have now undertaken this review and have set out my findings below.

In your requests submitted between 5 and 8 December 2025, and 18 December, you sought a significant amount of documentation, all of which was related to the Nation of Sanctuary programme.

In our response dated 19 December 2025, your requests were refused under s12 of the Freedom of Information Act 2000 (FOIA) on the lawful basis that providing the information would exceed the appropriate limit. In your complaint, you have challenged this on several grounds.

Aggregation of distinct requests

The response aggregates 21 separate requests submitted over several days, covering materially different subject areas, time periods, and types of recorded information. These include requests for high-level governance documents, indices or logs, policy frameworks, and guidance, alongside more detailed correspondence-based requests.

Under the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the legal requirements to legitimately aggregate information requests require the requests to:

- *be made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;*
- *relate, to any extent, to the same or similar information; and*
- *be received by the public authority within any period of 60 consecutive working days.*

The first and third bullet points are factual and are clearly satisfied. For the second, the wording is (my emphasis): '**to any extent, to the same or similar information**'

Determining whether the information captured by different requests is to any extent the same or similar is a matter of judgement. In John Slater v IC and Department for Work and Pensions EA/2019/0118, 9 April 2020, the First Tier Information Tribunal commented:

"Whether, however, the information to which the requests related was to any extent the same or similar is, in our view, a simple matter of examining the terms, and the

context of, the requests themselves. It is, in essence, a question of recognition. It is easier to say if something is the same, or similar, when one can see it all, in context, rather than trying to prescribe what will or will not be the same or similar."

Further, in the ICO's Decision Notice FS50681722, they state (in the context of aggregating requests):

The Commissioner acknowledges that two of the requests specify separate suppliers, however, the Fees Regulations' wording of "relate, to any extent, to the same or similar information" makes clear that the requested information does not need to be closely linked to be aggregated, only that the requests can be linked.

You submitted 21 requests under the FOIA, all related to the Nation of Sanctuary and migration policy.

Guidance from the Information Commissioner states:

The Commissioner considers that requests are likely to relate to the same or similar information where, for example, the applicant has expressly linked the requests. An overarching theme or common thread running between the requests may alert you to the possibility of aggregation. However, an overarching theme may not be sufficient on its own. You need to be careful not to take a superficial approach when looking for similarities between requests.

Consequently, we believe that taking the full context of your requests into account, the 'to any extent...similar information' criteria is far more than 'superficial' and has been satisfied. I believe our aggregation of your requests under the Fees Regulations was correct and lawful. To that end, I do not uphold your complaint.

Cost estimation

You stated:

The refusal relies on an estimated average of eight hours per request, based on previous ATISNs, without explaining how this estimate applies uniformly across all categories of information requested in Annex A. No breakdown is provided to show how specific elements were assessed, nor whether lower-burden components could be answered within the cost limit.

This approach appears speculative rather than evidence-based and does not demonstrate that reasonable efforts were made to consider partial disclosure.

In the response to your previous requests, where parts of those were refused under s12, you were provided with details as to how the estimated cost of complying with those requests was arrived at. Whilst the estimate of costs was based on previous ATISNs, it was considered reasonable that each of your requests would take at least the same time to comply with. As part of this internal review, I asked that a new process was undertaken to estimate the costs of complying with your requests. This calculation is below:

ATISN 26485 & 26516: Both relate to Clearsprings Ready Homes and asylum accommodation, from 1 January 2019 to present.

- An electronic file search for '**Clearsprings**' during this time period brought up **2669** results – some of these results would be relevant to the request, others may not be. A two-minute search per result to establish this would equate to **89 hours**.
- An electronic file search for '**asylum accommodation**' during this time period brought up the maximum **5000** results – some of these results would be relevant to the request, others may not be. There are likely more results, however, this was the maximum searchable number. A two-minute search per result would equate to **166 hours**.

ATISN 26470: Relates to Nation of Sanctuary procurement, due diligence and contract oversight, from 1 January 2019 to present.

- An electronic file search for '**Nation of Sanctuary procurement**' during this time period brought up the maximum **5000** results – some of these results would be relevant to the request, others may not be. There are likely more results however this was the maximum searchable number. A two-minute minute search per result would equate to **166 hours**.
- An electronic file search for '**Nation of Sanctuary due diligence**' during this time period brought up the maximum **4294** results – some of these results would be relevant to the request, others may not be. A two-minute search per result would equate to **143 hours**.

I am satisfied that these calculations alone show that it will cost more to respond to your requests than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. To that end, I do not uphold your complaint.

Section 16 duty to advise and assist

You stated:

Although the response suggests that I may wish to refine my request, it does not meaningfully discharge the duty under section 16. In particular, the response does not:

- *identify which elements are most burdensome;*
- *suggest specific refinements that would bring parts of the request within scope; or*
- *offer to provide high-level information, indices, or governance frameworks as a first stage.*

The absence of any attempt to provide partial information or staged disclosure is a significant concern.

In applying s12, the Welsh Government is guided by the Code of Practice issued under s45 of the FOIA. Para 6.9 of the Code states:

6.9 Where a request is refused under section 12, public authorities should consider what advice and assistance can be provided to help the applicant reframe or refocus their request with a view to bringing it within the cost limit. This may include

suggesting that the subject or timespan of the request is narrowed. Any refined request should be treated as a new request for the purposes of the Act.

I am aware of Welsh Government's legal obligation to provide advice and assistance under s16 of the FOIA; however, I note the response to your requests fulfilled this obligation. In the response to your requests, you were provided with detailed guidance on how you may refine your request in a way that could bring the cost burden down considerably by focusing on the specific information you want rather than asking for all documentation in the hope it contains what it is you are looking for. Officials did not know what it is you are specifically looking for, so could not, and cannot, provide a clear steer as to how you may be able to request that specific information.

Guidance from the Information Commissioner on s12 states:

If you have satisfied the requirements of the section 45 code of practice, then you will have complied with section 16.

For the reasons set out above, I believe the Welsh Government's use of s12 in this instance was correct and lawful. To that end, I do not uphold your complaint.

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 at:

<https://www.gov.wales/requesting-information-welsh-government-html>

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

A J John
Director, Communities and Social Justice