

16 July 2026

Dear

Complaint in respect of ATISN 26921 Appointment of a Deposit Management Organisation. Internal Review

Following my email of 30th June 2026 I have conducted an internal review as requested and write with the outcome.

As advised in my email your urgent request to remove information you consider to be commercially sensitive from public domain was acted on when your email was received on 16th June.

I have reviewed the remainder of your request (set out below) and the response provided.

1. First, we consider that the Welsh Government has failed to consider whether section 43 (commercial interests) of the Freedom of Information Act 2000 (“**FoIA**”) applied to the disclosure of the Applications. The Applications are plainly commercially sensitive and therefore any disclosure would be and is prejudicial to Exchange for Change. Importantly, when public bodies consider information requests they are required to do so without reference to the requester’s identity. The Welsh Government’s should therefore have considered whether the Applications were suitable for disclosure into the public domain, which they clearly were not. In addition, prior to any disclosure and release into the public domain, the Welsh Government should have consulted with Exchange for Change.
2. Second, we consider that the Welsh Government further failed to consider whether section 21 of FOIA (information accessible to an applicant by another route) applied to the disclosure of the Applications. Not only were the Applications not requested by Exchange for Change, but there was no need for the Welsh Government to disclose the Applications as that information was obviously accessible to Exchange for Change – as it already had full access to its own applications. Section 21 of FOIA was therefore clearly engaged and should have been relied upon by the Welsh Government.

I have reviewed the rationale behind publishing the Application. This document was considered relevant to the original request set out below, specifically point ‘e’ highlighted:

1. Information on the detailed assessment of the Application carried out by the Panel (referenced at paragraph two of the Refusal Letter), including copies of:

- a. the standardised scoring results that the Application received;
- b. any assessment reports prepared and considered by the Panel,
- c. the ministerial submission and recommendation submitted to the Welsh Government Ministers to support their consideration of the Application and their decision-making;
- d. any minutes of meetings and/or emails or other communications that record the decision-making process that led to the decision to refuse to appoint Exchange for Change as DMO; and
- e. any other documents which record the factors and considerations taken into account by the Welsh Government Ministers when reaching their decision.

With regard to section 43 of the Freedom of Information Act 2000 (FoIA) the disclosure was considered appropriate given the nature of your request for information. The application process to which the document related had concluded. Additionally, the officials responding understood there to be widespread industry knowledge of your application's content which was demonstrated most recently on 18 June during a roundtable discussion on the Deposit Return Scheme hosted by the Welsh Government. Furthermore, the team considered that if the section 43 exemption would be engaged, it was considered unlikely that the public interest would fall in favour of withholding the information. The decision not to appoint an organisation as the Deposit Management Organisation was significant to environmental matters and considered of significant public interest.

I have also considered the exemption set out in section 21 of FoIA relating to information which is reasonably accessible to the applicant. As the application was accessible to Exchange for Change, I uphold the complaint that section 21 exemption should have been employed to withhold this information. As a consequence, I have concluded that the application will not be republished. The remainder of the documents associated with the response will be republished shortly.

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 above.

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

Dirprwy Gyfarwyddwr / Deputy Director
Is-adran Y Môr a Bioamrywiaeth / Marine and Biodiversity Division
Llywodraeth Cymru / Welsh Government