

17 August 2026

Dear

ATISN 27244 – Request for Information

Thank you for your request which I received on 22 July 2026. You asked for the following information:

1. All recorded information held by the Welsh Government evidencing how it assesses whether NRW's whistleblowing arrangements are "robust".
2. Any internal reviews, assessments, audits, briefings, or ministerial submissions relating to whistleblowing culture within NRW from 2020–2026.
3. Any communications between Welsh Government and NRW relating to whistleblowing concerns, organisational culture, or staff being discouraged from raising issues.
4. Any policy documents, guidance, or expectations issued by Welsh Government to NRW regarding whistleblowing, challenge culture, or transparency.
5. All Welsh Government assessments, briefings, or internal discussions relating to governance risks within Dŵr Cymru Welsh Water and Hafren Dyfrdwy.
6. Any recorded information relating to the appointment of Sir James Bevan to the Welsh Water Board, including any risk assessments, conflict-of-interest considerations, or correspondence with Ofwat or NRW.
7. Any records held relating to the number of former NRW or Environment Agency staff now employed by Welsh Water or Hafren Dyfrdwy in regulatory-facing roles.
8. Any Welsh Government analysis of the governance reforms introduced under the Water (Special Measures) Act 2025, including fitness and propriety rules and restrictions on performance-related pay.
9. All data, reports, briefings, dashboards, or internal assessments evidencing increased monitoring of discharges since 2022.
10. Any Welsh Government analysis of sewage-pollution impacts on rivers, coastal waters, habitats and communities.
11. Any records relating to planned "new and enforceable pollution reduction targets", including draft proposals, modelling, enforcement mechanisms, or impact assessments.
12. Any communications between Welsh Government, NRW, Ofwat, or water companies relating to enforcement, prosecution, deterrence, or the "polluter pays" principle.
13. Any internal documents relating to the development of wider water-sector reforms referenced in our previous reply to you.

14. All meeting minutes, correspondence, briefing notes, action logs, or policy papers relating to Welsh Government engagement with Ofwat and NRW on water-sector reform from 2023–2026.
15. Any internal or external communications relating to accountability, transparency, resilience, or environmental outcomes in the water sector.
16. Any documents relating to the implementation or operationalisation of the Water (Special Measures) Act 2025.

Our response

I can confirm that we hold information relevant to your request. Based on an initial assessment, responding to your request is likely to be particularly time consuming.

I have considered your request under both the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR), as your request seeks information which falls within the definition of environmental information and information which is non-environmental in nature.

Following searches and scoping exercises, we have established that the information potentially falling within the scope of your request is contained across a very substantial number of records. For instance, on your first four points, we have searched for records that may be potentially captured by your request, using appropriate keyword searches. These searches yielded 2451 documents in our electronic document management system that may be in scope. It is likely that information captured under these headings are a mix of environmental information and information that is not environmental information.

In order to locate the captured information, and to distinguish environmental information from non-environmental information, these records must be retrieved and reviewed to understand what they contain which is a manual process.

In an exercise we were able to review these files in, on average, a little over five minutes per document. On this basis alone the time taken to review and extract information just to answer the first part of your request would exceed 200 hours of work.

In relation to the non-environmental information, section 12(1) of the Freedom of Information Act provides that a public authority is not obliged to comply with a request where the cost of doing so would exceed the appropriate limit prescribed in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For central government, the appropriate limit is £600, equivalent to 24 hours of staff time. As described above, compliance with the request would substantially exceed the appropriate limit.

In relation to the environmental information, regulation 12(4)(b) of the Environmental Information Regulations permits a public authority to refuse a request where it is manifestly unreasonable. The Information Commissioner's guidance recognises that a request may be manifestly unreasonable where the burden of compliance would be excessive.

Having regard to the volume of information potentially within scope, the fact that several thousand documents would require detailed review, and the substantial diversion of resources that would be necessary to identify, retrieve and assess that information, we consider that compliance with the environmental elements of your request would impose a grossly oppressive and disproportionate burden. We therefore consider that regulation 12(4)(b) applies.

I have concluded that your request is both voluminous and complex and will be very time consuming to deal with. Under the EIRs, there is no appropriate costs limit above which public authorities are not required to deal with requests for information. However, Reg 12(4)(b), manifestly unreasonable request, can apply if the cost or burden of dealing with a request is too great. This position was confirmed in the Upper Tribunal case of *Craven v The Information Commissioner and the Department of Energy and Climate Change* [2012] UKUT442 (AAC).

“Taking the position under the EIR first, it must be right that a public authority is entitled to refuse a single extremely burdensome request under regulation 12(4)(b) as “manifestly unreasonable”, purely on the basis that the cost of compliance would be too great (assuming, of course, it is also satisfied that the public interest test favours maintaining the exception). The absence of any provision in the EIR equivalent to section 12 of FOIA makes such a conclusion inescapable.”

In addition, as records are mixed, some dealt with under FOI and some EIR, and as it is not possible to disaggregate the environmental information from the other information without carrying out the same searches, it is not in any case possible to comply with the request for environmental information without exceeding the appropriate limit for the information held under FOI.

In applying regulation 12(4)(b), we have considered the public interest test. We recognise the general public interest in openness, transparency and accountability regarding the activities of the Welsh Government particularly with regard to the water industry and the health of our water systems in Wales. However, we consider that this is outweighed by the strong public interest in ensuring that public authorities can use their limited resources effectively and continue to carry out their core functions. Given the scale of the exercise that would be required to comply with this request, the balance of the public interest favours maintaining the exception.

Public interest in disclosure

We recognise the strong public interest in transparency and accountability regarding the Welsh Government's oversight of NRW, the water sector and environmental regulation. Disclosure would help improve public understanding of how these matters are considered and monitored.

Public interest in maintaining the exception

There is also a strong public interest in ensuring that public authorities are not required to devote a disproportionate amount of time and resource to responding to a single request. Complying with this request would require the review of several

thousand records to identify information within scope and determine whether it comprises environmental information, creating a substantial burden on limited resources.

Balance of the public interest

We have carefully weighed the competing public interests. While we acknowledge the significant public interest in disclosure, we consider that the scale of the work required to identify, retrieve and assess the information is disproportionate. We therefore conclude that the public interest favours maintaining the exception under regulation 12(4)(b) of the Environmental Information Regulations 2004.

Accordingly:

The non-environmental elements of your request are refused under section 12(1) of the Freedom of Information Act 2000 because compliance would exceed the appropriate limit.

The environmental elements of your request are refused under regulation 12(4)(b) of the Environmental Information Regulations 2004 because the request is manifestly unreasonable by reason of the burden that compliance would impose.

You may wish to consider refining the scope of your request. Rather than focus on where you think the information is held (such as correspondence, assessments, etc.), you focus on the specific information you want. It may help by setting out what it is you want to know or understand and focus your request on that specific information. You could look at a tighter date range, or focusing on a specific issue. Any revised request will be treated as a new request.

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,