



Llywodraeth Cymru
Welsh Government

GUIDANCE

Requesting information from the Welsh Government

A practical guide to help you request information from the Welsh Government.

First published: 15 February 2019

Last updated: 26 March 2020

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Update on coronavirus (COVID-19)

The Welsh Government is facing unprecedented challenges during the coronavirus (COVID-19) pandemic.

As a result resources, both finances and people, are being diverted away from many of our usual activities to deal with the pandemic. This will undoubtedly impact on our ability to comply with the normal requirements for information rights work and as a result you may experience delays when making information rights requests during the pandemic. We thank you for your understanding during this time.

For more information see: [FOI and the coronavirus: a measured approach](#) on the Information Commissioner's website.

Introduction

This practical guide explains how you can make a request to access information held by the Welsh Government and how your request will be handled.

There are 3 main laws which govern our handling of requests for information:

1. The General Data Protection Regulation 2016 and the Data Protection Act 2018 provide you with certain rights in relation to your personal data including the right:
 - to access the personal data which Welsh Government holds on you
 - to ensure we correct any errors in that data
 - to (in certain circumstances) object to or restrict use of your personal data
 - for (in certain circumstances) your data to be 'erased'.

2. The Freedom of Information Act 2000 provides you the right to request information held by the Welsh Government. By information we mean anything held as a paper or electronic document, including emails, letters, and audio and video recordings.
3. The Environmental Information Regulations 2004 provides you the right to request environmental information held by the Welsh Government.

Before making a request

Has the information already been published?

We already make a large amount of information publicly available. If you are thinking of making a request for information it may be the case that you can [access the information more quickly by searching on GOV.WALES](#).

If the information has been requested previously then it may have been published on our [disclosure log](#).

Our publication scheme commits the Welsh Government to make certain information available. Details of the type of information we publish can be accessed from our [publications catalogue](#).

Please note that the most effective way of undertaking a general search of the Welsh Government website is to use the Google based search engine located in the top right of the website. However, if you are more interested in a particular area of our work you can access a lot of information just by looking at the topic pages of the website. In addition, a large number of publications, information on consultations, statistics and research can also be accessed from our website or from the National Archives website.

If you are unsure whether we hold the information you wish to access, you can

contact someone within the relevant policy area to check. Similarly, if you are unsure of what information it is you wish to obtain, a call to the relevant policy team can help you understand what is held and help you to identify what information you would like. A phone call to our switchboard number (0845 0103300, which is charged at a local rate from wherever you phone from within the UK) should put you through to the correct policy area.

Are we the right organisation to request information from?

In some situations, you may be seeking information that we either do not have or are holding on behalf of someone else. If we don't hold the information that you want, we may be able to provide you with details of another organisation who can assist.

How to make a request for information

Freedom of information requests should be made in writing (which includes email). Requests for environmental information can be made in writing or orally. Please provide your name, an address for correspondence (which could be email) and, if possible a telephone number.

You do not need to mention which law applies to your request for information. We will gather the information you seek and examine it to see which laws apply and then apply them. This may mean that we apply more than one law to your request. However, if you do know which law you are making your request under, this can help us in dealing with your request more quickly.

There are various ways of contacting us

You can make a request by emailing Freedom.ofinformation@gov.wales, phoning us on 0300 0604400 or writing to us at the following address:

Freedom of Information Officer
Information Rights Unit
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

If you are making a request for your personal data you can email DataProtectionQueries@gov.wales or write to us at:

Data Protection Officer
Information Rights Unit
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Should you make a request under the access to information legislation, we will require your name and contact details in order to fulfil our public task and meet our legal obligations under the Act and provide you with a response. We will only use this personal information to deal with your request and any matters which arise as a result of it.

We will keep your personal information, and all other information relating to your request, for 3 years from the date on which we responded to your request

How to word your request

It would be helpful if you could be as specific as possible in identifying the content of the information that you want, by focussing on the actual topic or subject area in question.

Do you know the names of any individuals or departments who would have been involved in creating the information you are seeking? Does a specific date or time period apply?

Being as specific as possible, helps us to identify the information you require and answer your request more quickly.

We can refuse to deal with a request under the Freedom of Information Act where we estimate that it will cost more than £600 to locate, retrieve and extract the relevant information. If you can be as specific as possible about the information you want, it is less likely that your request will be refused for exceeding the above cost limit. (see “Will the Welsh Government charge for providing the information?”)

Examples of requests we are unlikely to be able to provide information for:

- Please send me all the information you hold relating to Welsh Government Grants.
- Please send me all correspondence received by the Health Minister.

Instead, you could focus your request by:

- Specifying the issue that you’re interested in (e.g. a specific grant or correspondence on a particular topic).
- Including a date period (e.g. I am only interested in information created before [add date]).

- Specifying the types of information you are interested in (e.g. information contained in reports, letters or email correspondence relating to the issue).

By following this approach it may be possible to reword the requests in the example section and make them more specific to enable us to provide the information you require.

For instance:

- How much money was allocated to [name of the organisation] when the 2012 social housing grant was awarded?
- Please send me all letters and emails received by the Health Minister between 01 January 2013 and 31 March 2013 on the topic of childhood immunisations.

While there is no requirement for you to explain why you want the information, an explanation can be helpful to us in identifying the information, particularly in circumstances where you may not be sure what to ask for. It would also be helpful if you could provide us with a contact telephone number, in case there are any aspects surrounding your request that it would be helpful to discuss with you (although you are not obliged to provide us with one, if you don't want to be contacted in this way).

Under the data protection legislation, we are able to refuse a request for your own personal data if that request is excessive or manifestly unfounded.

How we will handle your request

Once your request has been received it will be allocated to an individual from the relevant division of the Welsh Government to respond.

If the person handling the request is unsure of the information you are seeking,

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they may contact you to ask you to clarify your request.

Once we are clear about the information you are seeking, we will then need to determine whether we hold the information or not. We will inform you of this in writing. If we know that the information is held by someone else, we may be able to direct you to another organisation that can assist.

Will the Welsh Government charge for providing the information?

The Welsh Government can charge for providing information in certain circumstances.

Requests handled under the Freedom of Information Act and the Environmental Information Regulations

We do not charge for any staff time spent in searching for the information you have requested. However, we are entitled to charge for the actual expenses that are incurred in making information available to you, in certain circumstances. For instance, the cost of photocopying information and sending this to you in the post. If we decide to charge a fee, we will ask you for the fee promptly and explain how we calculated it.

However, we may refuse a request in circumstances where we estimate that the cost of compliance exceeds the limit set by law. This is currently set at £600 on the basis that it takes 24 hours of staff time at a standard rate of £25 per hour. The Welsh Government is entitled to take into account the time that we estimate it would take to deal with any of the following activities in deciding whether a request will exceed the cost limit:

- determining whether we hold the information

- locating the information or a document containing it
- retrieving the information or a document containing it
- extracting the information from a document containing it.

If you can be as specific as possible about the information you are seeking, it can help in keeping your request within the cost limit. Requests for specific information can usually be answered more quickly than wide requests for “all information” on a subject and are less likely to be rejected for exceeding the cost limit. (See “How to word your request”).

Requests handled under the data protection legislation

Requests for your own personal data under the General Data Protection Regulation do not incur a cost, however we are able to charge a ‘reasonable fee’ when a request is manifestly unfounded or excessive, particularly if it is repetitive. We may also charge a reasonable fee to comply with requests for further copies of the same information.

Timescales

Under the Freedom of Information Act and the Environmental Information Regulations, the Welsh Government should usually provide a response to your request within 20 working days. However, this deadline can legally be extended in certain circumstances. Wherever possible, we will aim to respond to your request within 20 working days. However, if this is not possible, we will inform you of this fact in writing.

If you are making a request for your own personal data under the General Data Protection regulation we have 28 calendar days to respond though this may be extended for up to two months if the request is complex.

Vexatious and repeated requests

The Welsh Government can refuse requests made under the Freedom of Information Act if they are vexatious or repeated requests. The Information Commissioner defines a vexatious request as one which has “the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.”

Examples of requests falling within this category could include a request which uses abusive or aggressive language or one which attempts to reopen issues which have already been addressed. It also includes situations where someone has made frequent or overlapping requests before the Welsh Government has had the opportunity to address any earlier enquiries that have been made.

If you make a number of requests, think about whether you have made the same or substantially similar requests previously. Requests that are repeated without a reasonable time period having elapsed since they were first submitted will be refused.

There is no exception for vexatious and repeated requests in the Environmental Information Regulations. However, the Welsh Government can refuse requests which are “manifestly unreasonable.” In practice, it can be relevant to take into account whether a request is vexatious or repeated when assessing the reasonableness of a request for environmental information.

Why we don't always provide the information you have requested?

The Welsh Government will provide you with the information you have requested, if we can. However, where this is not possible, we will explain the reasons why in our response. We may not be able to provide you with the information for the following reasons:

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- The information isn't held by us.
- Complying would exceed the cost limit (see *Will the Welsh Government charge for providing the information?*).
- The request is vexatious or repeated (see *Vexatious and repeated requests*).
- Exemptions/exceptions apply. The Data Protection Act 2018, Freedom of Information Act 2000 and the Environmental Information Regulations 2004 expressly recognise that there are valid reasons why some information may be withheld.

There are a number of exemptions (or exceptions in the case of the Environmental Information Regulations) that may apply to information you have requested. For example, disclosure would prejudice someone's commercial interests or the policy making process.

Some exemptions under the Freedom of Information Act and the Environmental Information Regulations are "absolute." This means that if the information falls within a particular category, it will not be provided. Other exemptions are "qualified" which requires the Welsh Government to assess the balance of the public interest for and against disclosure. Where a qualified exemption applies, we will only withhold the information in circumstances where we are satisfied that the public interest in favour of withholding the information is sufficient to outweigh that in favour of disclosure.

Once we have identified all of the requested information, we will consider that information against any relevant exemptions. If no exemption applies, the information will be released. If any of the information falls within the scope of one or more exemptions, we may decide to withhold that information from disclosure. If we decide to do this, we will explain the reasons for doing so in our response.

Please note that responses to requests under the Freedom of Information Act and the Environmental Information Regulations will be published on our public disclosure log.

The right to an internal review

If the Welsh Government has handled your request under the Freedom of Information Act or the Environmental Information Regulations the response will tell you who you should contact to request an internal review. You can also ask the Welsh Government to conduct an internal review if you are dissatisfied with our response to a data subject access request made under the Data Protection Act.

How to make a request for an internal review

- Your request for an internal review must be made in writing (an e-mail is sufficient for these purposes).
- It would be helpful if you could provide full details of the background behind your complaint. For instance, the request that you are complaining about and any specific reasons why you are unhappy with any part of our response or the way in which we handled your request.
- If you cannot act for yourself, a representative may request a review on your behalf. We may ask the person claiming to be acting on your behalf to provide proof that they are authorised to act in this way.
- You should ask for a review as soon as possible and, in any event, within 40 working days of receiving our response to your original request. We may, exceptionally, be able to consider a request for a review made outside that time limit. However, you will have to provide us with strong reasons as to why you have not been able to request a review within 40 working days.
- Our response to your original request for information should advise you of who you should contact to ask for a review. If you are not sure who to contact then you should write to the Freedom of Information Officer or, in the case of a data subject access request, to the Data Protection Officer.

What will we do?

- Wherever possible, the request for a review will be dealt with by someone senior to the person who took the original decision, in the area in which the complaint arose.
- We will aim to provide you with a response within 20 working days. However, in exceptional cases it may not be possible to provide you with a full response within 20 working days. For instance, if your case is complicated or raises issues which require detailed consideration. If we need more time to undertake a review we will contact you and give you an estimate of when you can be expected to receive a response. Even in those exceptional cases the time that is taken to complete the review should not exceed 40 working days.
- Once the review has been completed the person who undertook the review will send you a response telling you of the outcome and any action that will be taken to put matters right. You will also receive information on how to pursue matters further with the Information Commissioner and/or Public Service Ombudsman for Wales as appropriate.

The right to complain to the Information Commissioner

You have a right of complaint to the Information Commissioner. Although normally you should pursue the matter through our internal review procedure before you complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

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Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745

Fax: 01625 524 510

Email: casework@ico.org.uk

Freedom of information and personal data

Personal data we hold might get published as part of a Freedom of Information request, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances.

If anyone asks to see information we hold we will have to decide whether to release it or not. Any commitments we have given on protecting personal data is important information we would take into account. This includes where someone has asked for their name and address not to be published as part of a consultation response. However, there might sometimes be important reasons why we would have to reveal someone's personal data. This might be the case even if they have asked for it not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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