



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ATISN 15587

15 January 2022

Dear

Complaint in respect of Request for Information – reference ATISN 15587

You wrote to request a review of our decision to refuse to provide information on the above request. As you know, we withheld information under Regulation 12(4)(b) of the Environmental Information Regulations, the “manifestly unreasonable” exemption.

You disagree with our use of the exemption because you claim that the request is in relation to two individuals at a single address, and that in your view there must only be a few communications and documents in scope. Whilst that may be the case, what makes the request costly and time consuming to process is not the amount of information that we hold, but rather the amount of information we must search to identify and recover all such information captured by the request.

In your original request you asked for:

All documents (which includes but is not limited to; correspondence, agreements, emails, letters, file notes, memos, documents, meeting minutes and telephone recordings) between the Public Body and the following:

- Mr & Mrs Roe Barnett;
- Mr & Mrs Roe Barnett’s representatives
- Julian Hodge Bank;
- Julian Hodge Bank’s representatives

In our acknowledgment to you we stated:

As your request currently stands, I believe it will be very time consuming to deal with. Your request for **“all documents”** covers a significant amount of information such as correspondence, agreements, emails, etc, over a long period of time. It will likely therefore take a significant amount of time to locate, retrieve and extract the information.

And we invited you to be more specific in what you were requesting. As no clarification was received by us, we proceeded to answer your request based on what you had asked for above.

Our response of 5 November refused the request under Reg 12(4)(b). I must now decide if the information was properly withheld.

The relevant consideration regarding the time taken to comply with a request is not how much information is likely to be held, but how much information must be searched in order to locate all information captured by the request.

Because the parties identified above could have interacted with Welsh Government in any capacity, on one interpretation of this request we would need to search files in every policy division of Welsh Government and all correspondence addresses for all dates since the inception of the Welsh Government. Such a search would undoubtedly be very significantly over the appropriate limit.

However in this case I am satisfied that the drafting officials considered the context of your request when you stated that you wanted information particularly relating to ownership of a piece of land. Even with this in mind, the nature of your request would require policy officials to search both electronic and paper records across several policy divisions for any mention of the parties involved. Paper records would need to be read – a manual process as the content cannot be electronically searched. Electronic records could be searched on keywords, but still would need manual collation.

In an exercise, just based on a keyword search by surname of the parties in question 1 above, we found 8338 electronic records potentially in scope. On review of these, I was quickly able to ascertain that most records would not be in scope of the request as regards land acquisition by the named parties. Nevertheless to do this I had to open and quickly review the contents of these documents. This took me between 1 and 2 minutes per document. Even if we assume that documents could be checked at the rate of 1 per minute, the electronic record search alone for information relating to the first point alone would take in excess of 135 hours.

In your request for a review you state:

If it assists, although I do not know when the transaction happened, I believe you can limit the search for between 2005 and 2018

Welsh Government records are paper records up until 2011 and electronic after that date. As we cannot search paper records on keywords, the time taken to review records from 2005-2011 would be much longer than in the above estimate. Furthermore, even though the number of records that would need to be reviewed electronically would be less, your request would still capture two thirds of all our electronic records, and so on the above estimate, the time would still greatly exceed the threshold of a request that is manifestly unreasonable.

I therefore find that the request was correctly refused under Reg 12(4)(b) of the Environmental Information Regulations.

I understand you have been in communication with officials regarding this matter and that they are working with you to identify the land in question and to seek to aid you in resolving this matter. You may also, of course, choose to make a new request for information relating to the matter. Welsh Government have published a practical guide to making a request here:

<https://gov.wales/sites/default/files/pdf-versions/2021/1/3/1610564427/requesting-information-welsh-government.pdf>

In particular, page 6 of this practical guide discusses how to word a request to help us identify the information you require more quickly.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745
Fax: 01625 524 510
Email: casework@ico.gsi.gov.uk

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)
Email: ask@ombudsman-wales.org.uk

Yours sincerely

Steve Vincent
Director of Economic Infrastructure