

28 October 2022

Dear

ATISN 16621 - Request for Information.

I refer to your email which I received on 02 September 2022, requesting the following cross compliance information regarding a subset of farms identified with the following reference numbers: 1. REF2462, 2. REF1563, 3. REF1442, 4. REF2846, 5. REF1597, 6. REF2262, 7. REF1311, 8. REF1896, 9. REF945, 10. REF2379, 11. REF1357, 12. REF1288, 13. REF2060, 14. REF1014, 15. REF2397 and 16. REF1271. Please accept my apologies for the delay in responding. You have requested the following:

1. For each farm, please state:
 - A. Its legal or company name, if it has one
 - B. The name of the sole trader or partnership, if it has no legal/company name
 - C. The amount of public subsidy it received for each of the years from 2017 up to and including 2021
 - D. How many times each farm was inspected under cross compliance rules for each of the years from 2017 up to and including 2021
2. Please state how many cross-compliance inspections in total were conducted for each of the years from 2017 up to and including 2021.

Our response

1. Please see the attached annex 2 for the information you have requested at point C and D. For point A and B the information has been withheld as we consider the information is exempt under Regulation 12(5)a (public safety). See the annex 1 below for details of the Public interest test.
2. The number of cross compliance inspections conducted each year from 2017 up to and including 2021 are shown in the table below.

Year	No of Inspections
2017	1505
2018	1351
2019	1,415
2020	1,056
2021	1,338

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

Annex 1

Environmental Information Regulations (EIR) 2004: Exception 12 (5) (a)

Regulation 12 (5) (a) provides an exception to the duty to disclose environmental information if disclosure of the data would adversely affect public safety.

It should be noted that while the Regulation 12 (5) is being applied, Regulation 13 (personal data) is also applicable.

Release under the EIRs is not release just to the requestor, but release of the information to the world. For this reason, it is necessary to consider the effect of releasing this information into the public domain. The request asks for disclosure of the identities of farm businesses that have been found to have committed cross compliance breaches, and this is clearly sensitive information. It is our understanding that release of the information to the world would be likely to lead to these businesses being targeted by animal rights activists and other such groups. This poses a risk to the public's health and safety.

Regulation 12 (5) (a) is subject to a public interest which is set out below:

Public interest in favour of disclosure

There is an assumed public interest in any disclosure of any environmental Information, and information relating to the results of cross compliance inspections will aid public discussion on the effectiveness of the regime.

Entities may be in receipt of public subsidies which will be of interest to the general public and may have been subject to more than one breach of the regulations.

Public interest in favour of withholding

Whilst there is an assumed public interest in any disclosure of any environmental Information I consider that the public interest in the information relating to cross compliance breaches in Wales has already been served in providing details of inspections and breaches in Wales. Provision of the specific identity of farming businesses that have been subject to breaches does not significantly further the public discussion around the cross compliance regime.

Whilst entities may be in receipt of public subsidies and have repeatedly breached the regulations we consider that the information already provided allows the public to understand the financial impact of cross compliance breaches on recipients in relation to their public subsidies.

Disclosure of information allowing specific farming businesses to be identified would result in farms being targeted by animal rights activists representing a significant risk of public and personal harm, which is not in the public interest.

Balance of public interest

The information provides significant granular detail to forward the public discussion on cross compliance and standards of animal welfare in Wales. Provision of specific information identifying particular farming businesses does not aid the public discussion in a meaningful way, and introduces a significant risk of public harm. Therefore on balance I consider there are compelling arguments which support withholding the information which outweigh those supporting release.