

24 March 2023

Dear

ATISN 17197 - Repayment of spent money

Information requested.

Thank you for your request, which we received on 24 February 2023. You asked:

Can you confirm the process in Wales for the recovery of money already spent, by for instance, an "orphan" building in obtaining an ESW1 certificate.

Our response

The Minister for Climate Change announced in October 2022 that the costs of survey work commissioned prior to the launch of the Welsh Government's Building Safety Fund on 30 September 2021 may be eligible for retrospective payment from Welsh Government.

To be eligible, survey(s) need to meet the following criteria:

- Surveys must have been commissioned prior to 30 September 2021.
- The work must have been procured appropriately, demonstrating value for money has been considered.
- It has been carried out by a suitably qualified individual / company.
- It is of an equivalent standard to the surveys that are funded through our Welsh Building Safety Fund (if the survey is internal, then it would be a Fire Risk Assessment – minimum Type 2 standard - intrusive in communal areas), if external, this would be equivalent to an EWS1 - type survey.
- The survey will be made available to our Contractors to ensure that the information provided can be used in relation to our work.

A claim can only be made by the Responsible Person, who must declare via written agreement, that any monies received will be passed back to the leaseholder. Any payments made will be subject to Welsh Government due diligence checks.

When submitting a reimbursement claim a Responsible Person must provide:

- Evidence of quotes from more than one supplier requested / received at or around time of instruction.
- Evidence that a suitably qualified individual / company carried out the survey (this should be evident from company letterheads / websites etc).
- Copy of the survey report (if not provided at the time the Expression of Interest was submitted).
- Proof of payment of the survey.

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. The request you sent me contains personal information about you - for example, your name and address. The Welsh Government will be the data processor for this information and, in accordance with the General Data Protection Regulation, it will be processed in order to fulfil our public task and meet our legal obligations under the Act to 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 three years from the date on which your request is finally closed. Your personal information will then be disposed of securely.

Under data protection legislation, you have the right:

- to be informed of the personal data we hold about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further information about the information which the Welsh Government holds and its use, or if you wish to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
Email: DataProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113
Website: www.ico.gov.uk

Any information released under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 will be listed in the Welsh Government's Disclosure Log (at <https://gov.wales/about/open-government/freedom-of-information/responses/?lang=en>).

Yours sincerely,