

3 April 2023

Dear

ATISN 17224 – Fire Safety

Information requested.

Thank you for your request, which we received on 02 March 2023. You asked:

1. How many buildings have been surveyed in Wales in relation to fire safety
2. How many buildings are social housing and how many are private dwelling
3. How many buildings have been considered safe, required further investigation and subsequently ok,
4. How many are social housing and how many are private
5. How many are still to be surveyed
6. How many buildings provided their own surveys?
7. How many private buildings have been able to recover their survey costs
8. Which buildings have been able to recover their survey costs
9. What was the outcome of the Surveys for Victoria Wharf
10. What was the outcome of the Survey for Celestia
11. How many buildings have been remediated
12. How many of the remediated buildings are social housing or private dwellings
13. How much has been spent by WG on remediating social dwellings

Subsequently, you clarified that the period covered by this request was from September 2021.

Our Response

1. Under the Welsh Building Safety Fund, desktop surveys have been carried out on 323 buildings. Intrusive surveys have been completed on 144 buildings.
2. Of the 144 buildings, 9 buildings are social housing, 14 are mixed tenure and 121 are privately owned.
3. Our consultants, PRP send the reports directly to the Responsible Person, therefore the Welsh Government does not hold this information.
4. See above.
5. We continue to receive Expressions of Interest, and therefore numbers will change. At present, 55 buildings are yet to be surveyed.
6. 29 buildings have provided their own surveys.
7. 17 applicants have submitted a claim for their surveys costs to be reimbursed. Five buildings have had their survey costs reimbursed.

We are awaiting documents from 12 applicants in order to progress their claim.

8. We have decided to withhold the following information: The names of buildings which have been able to recover their survey costs. My reasoning for withholding this information is provided in the supporting Annex to this letter.
9. The survey for Victoria Wharf has not yet been completed. When our consultants have completed the survey, the report will be shared directly with the Responsible Person for Victoria Wharf.
10. Welsh Government does not hold this information. Our consultants, PRP have completed the survey and the report has been shared directly with the Responsible Person for Celestia.
11. To date, works have been completed on 26 buildings. We are also aware of a number of buildings which have been completed by developers independently of the Welsh Building Safety Fund. Including 12 buildings with ACM cladding, which have either been completed or have works underway.
12. The 26 buildings referred to in the response to question 11 are in the social sector.
13. Since the launch of the Welsh Building Safety Fund in September 2021 £53,327,419 has been allocated for works to remediate residential buildings in the social sector.

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,

Annex A

Application of exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

The names of building which have been able to recover their survey costs.

This Annex sets out the reasons for the engagement of regulations 12(5)(a) & 12(5)(e) of the Environmental Information Regulations 2004, consideration of the Public Interest Test.

The Welsh Government believes that the building names and addresses of buildings that have had had surveys costs reimbursed and which may have potential fire safety defects should be exempt from disclosure.

Reg 12(5)(a)

A public authority may refuse to disclose information to the extent that its disclosure would adversely affect:

- *International relations,*
- *defence,*
- *national security or public safety.*

Note: we are employing the 'national security or public safety' arm of this exemption.

Our reasoning for employing this exemption is that disclosure of a list of specific residential properties that have survey costs reimbursed and that are potentially at higher risk of severe fire damage, would provide a target for individuals or groups unknown to commit arson. Any attacks on these premises would clearly put tenants at significant risk, emergency services staff involved in fighting any such fires, and any other individuals within the vicinity of these buildings.

Public Interest Test

Whilst we are in the process of identifying those properties which require remedial work, we believe it is not in the wider public interest to put the residents at greater risk as a result of publicly identifying those buildings which will be subject to further investigation.

It should be noted that the Welsh Government have released information and are happy to continue releasing information to individual tenants in respect of whether their building has had its surveys costs reimbursed.

However, in this case it is felt that maintaining public safety outweighs the public interest of releasing the list publicly.

Reg 12(5)(e)

A public authority may refuse to disclose information to the extent that its disclosure would adversely affect:

The confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

We believe that disclosure of buildings which have had surveys costs reimbursed and which may require remedial would have a significant impact on the financial interests of their owners as disclosure could unnecessarily blight the buildings identified.

Buildings who have undertaken survey work do not necessarily suffer from a significant fire risk.

By releasing the names of these buildings list, there is significant risk that this would adversely affect the economic interests of the landlords, in that disclosure would affect their ability to let or sell the properties.

Balance of public interest test

We are of the opinion that it is not in the wider public interest to release information that would adversely affect the legitimate economic interests of landlords, particularly where we are working with them to identify and resolve any issues. Disclosure runs a very real risk of the list being shared without any contextualising information, increasing the risk of harm to the landlord's economic interests.

To that extent we believe the public interest favours the maintaining of the Reg 12(5)a & 12(5)(e) exception.