

Dear

Request for information - ATISN 17402, 17456, 17471, 17474, 17488

Thank you for your requests which I received on 14 April, 4 May, 10 May, 10 May and 13 May respectively. You asked for:

ATISN 17402:

1. All information regarding meetings between the Minister for Economy, either as scientific or economic, or with a nominated official with the HyBONT project partners and especially the Marubeni Corporation. These have been publicly stated to be occurring bi-weekly.
2. All information regarding operational revenue support including that from the UK Government's Net Zero Hydrogen Production Fund (Strand 3).
3. All information about CAPEX, (and OPEX - if applicable), support from the Welsh Government for the HyBONT project.

ATISN 17456:

You asked for information concerning the 24 August meeting entitled HyBONT Project Partner Multilateral – Welsh Government, Marubeni Corporation, Bridgend County Borough Council and Cardiff Capital Region. Specifically, you asked for:

1. The final HyBONT joint venture structure and profit sharing structure;
2. Where responsibilities lie for health and safety;
3. Meeting minutes from any HyBONT joint venture meetings which have occurred.

ATISN 17471:

You asked for information concerning Small Business Research and Innovation (SBRI) funding for the HyBONT project. Specifically:

1. How much SBRI funding was received;
2. What was the timescale of the SBRI funding;
3. Did the terms of the SBRI funding exclude public funding from other bodies for the same project.

ATISN 17474:

You asked for information concerning HyBONT Project partners. Specifically:

1. What are the future plans for the Brynmenyn site?
2. Are there plans to tanker hydrogen to users other than BCBC?

3. How do the “FC passenger car”, “FC Boat/Yacht”, “H2 train”, and “TF Truch/Forklift” fit in with hydrogen supply from the Brynmenyn site?

ATISN 17488:

You asked for information concerning minutes published in our disclosure log for ATISN 16860. Specifically:

1. When the meeting notes were removed from the gov.wales website.
2. Why the meeting notes, once published, were removed from the public domain.
3. Which department authorised the removal.
4. Please supply all minutes for meetings between the Welsh Government regarding the HyBONT Project with the HyBONT Partners.

Our response

Section 12 of the FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to:

- either comply with the request in its entirety or;
- confirm or deny whether the requested information is held.

Regulation 4(3) of The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 states that a public authority can only take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

For central government bodies, the appropriate limit will be exceeded if it would require more than 24 hours work to undertake the tasks above in order to respond to a request.

In order to provide you with the information that is potentially captured by your requests we would first have to ascertain whether we hold such recorded information.

There are four different areas within the Welsh Government that are involved with the HyBONT project, including Innovation; Climate Change and Energy Efficiency; and Business and Regions, and to locate and extract information on, for instance, the first part of ATISN 17402, “All information regarding meetings between the Minister for Economy, either as scientific or economic, or with a nominated official with the HyBONT project partners,” captures any information regarding a number of corporations, including administrative information setting up meetings, and any background briefings and other collation of relevant information around such meetings. This would include emails as well as information filed on our electronic files.

A very large number of officials would therefore need to be contacted and emails searched for relevant information, and a number of files across the four policy areas would need to be reviewed. The process of review would be a manual one. Although we can search files for keywords that relate to the corporations, such keyword searches would find very many files that would be out of scope of the request, but could only be eliminated by extracting the file, and manually reading it. In a test exercise, one of the keywords concerned yielded 3491 hits in our electronic filing system, and in the exercise we were able to eliminate many that were clearly on other matters, leaving us with 651 documents that would need to be reviewed. Reviewing one document, by opening it from our document management system and reviewing it took three minutes, so we estimate that part of the exercise alone would take in excess of 33 hours.

For this reason, I estimate it will take much more than 24 working hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it, the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 allow me to refuse to deal with it. The appropriate limit specified for central government is £600, representative of the estimated cost if taking over 24 working hours of time.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004

Further, when a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the above Regulations can be satisfied. Those conditions state where requests are made to a public authority:

- (a) by one person, or*
- (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,*

the estimated cost of complying with any of the requests is to be taken to be the total costs which may be taken into account of complying with all of them.

Regulation 5(2) clarifies:

2) This regulation applies in circumstances in which:

- (a) the two or more requests referred to in paragraph (1) relate, to any extent, to the same or similar information, and*
- (b) those requests are received by the public authority within any period of sixty consecutive working days.*

To that end, in calculating the appropriate limit, we are amalgamating **ATISN 17402** with:

- **ATISN 17456**
- **ATISN 17471**
- **ATISN 17474**
- **ATISN 17488**

as we believe these requests clearly meet the conditions set out under Regulation 5 above. We are thus refusing all five requests for exceeding the appropriate limit under section 12 FOIA.

I have thus decided not to process your requests. You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. If you do refine your request in this way, this will be treated as a new request, please be as specific and focused as possible.

The request you sent me contains personal information about you - for example, your name and email 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.org.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