



Llywodraeth Cymru
Welsh Government

02 August 2023

Dear ,

ATISN 18700 – ban on the use of snares in Wales

Thank you for your request which we received on 8 July 2023. You asked for:

1. The dates and list of attendees for all meetings the Minister for Rural Affairs, North Wales and Trefnydd, her special advisors, or government officials have had with any external parties where snares and snaring were discussed since the publication of the consultation document on snaring on 16 December 2020.
2. Copies of any notes, minutes, action points, or correspondence pertaining to those meetings.
3. A list of attendees, copies of all minutes, written notes and correspondence pertaining to all internal meetings, on the subject of snaring, since the publication of the consultation document on snaring on 16 December 2020.
4. Details of any meetings the Minister for Rural Affairs, North Wales and Trefnydd, her special advisors, or government officials at any level had with the those representing the National Anti-Snaring Campaign, the League Against Cruel Sports, the RSPCA and Prof Stephen Harris, author of 'A review of the use of snares in the UK' to discuss snares and snaring prior to and since 1 January 2019.
5. Copies of any notes taken during the meeting minutes, action points, or correspondence pertaining to those meetings.

The answers to your request are as follows, in point order:

1. The Game and Wildlife Conservation Trust (GWCT)

- The Minister for Rural Affairs and North Wales, and Trefnydd met with GWCT in March 2023.



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- Welsh Government officials met with GWCT in September 2021 and March 2022.

The British Association for Shooting and Conservation (BASC) met with Welsh Government officials in June 2021 and April 2022.

Natural Resources Wales - Welsh Government officials attended a meeting hosted by NRW and RSPB - an advance briefing on the RSPB Curlew Trial Management Project on 15/02/23.

BBC Countryfile - The Minister for Rural Affairs and North Wales, and Trefnydd met and was interviewed by Tom Heap, for BBC Countryfile on 28 June 2023. The programme was aired on Sunday 16 July and is available to watch on iplayer.

Gylfinir Cymru / Curlew Wales.

- The Minister for Climate Change and an official attended a site visit at Ysbyty Ifan on 7 July 2022.
- Officials attended a Curlew Predator Control Workshop on 15 December 2022.

RSPCA – meeting between the Minister for Climate Change and an official in October 2021. See further details under answer to question number 4.

2. Attached is all documentation associated with the meetings listed that is held by the Welsh Government.

We have decided that some information is exempt from the requirement to disclose by virtue of Regulation 13 'personal data' of the Environmental Information Regulations 2004 (EIRs). This relates to those Welsh Government officials below Senior Civil Service level. Full details of our application of this exception is set out in Annex A.

Meeting with GWCT in March 2023 – Documents 1.1 to 1.7 respectively.

Meeting with GWCT in September 2021 – Documents 2.1 to 2.5 respectively.

Meeting with GWCT in March 2022 – Documents 3.1 to 3.5 respectively.

Meeting with BASC in June 2021 – Document 4.1.

Meeting with BASC in April 2022 – No documents are held.

Meeting hosted by NRW and RSPB in February 2023 – Documents 5.1 & 5.2.

BBC Countryfile interview June 2023 – Document 6.1.

MCC site visit at Ysbyty Ifan July 2022 – Document 7.1 to 7.5.

Curlew Predator Control Workshop December 2022 – Document 8.1 to 8.3.

3. We have decided that we are not required to comply with this part of your request under Regulation 12(4)(b) 'Manifestly Unreasonable' of the EIRs. There is no set definition of what constitutes a manifestly unreasonable request. The Information Commissioner Office indicates that a reasonable starting position would be to look at whether complying with the request would have exceeded the 'appropriate limit' as set out in Section 12 of the Freedom of Information Act 2000 (FOIA). The purpose of both Reg 12(4)(b) EIRs and s12 FOIA, is to protect public authorities

from the unreasonable demand upon staff time and costs in complying with a request.

From a preliminary assessment it has been estimated that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer this part of the request. The appropriate limit specified for Welsh Government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it. The number of documents that must be reviewed in this manual process in relation to no.3 would be in the order of 1725. In a test exercise, we established that in determining whether a document is in scope, the request takes, on average, 6 minutes to locate, extract and review. We therefore calculated the amount of time required to process your request would be 172.5 hours, which substantially exceeds the appropriate limit. Consequently, the decision has been made not to provide the information you have requested for number three.

Our decision to not comply with this part of your request does not prevent you from submitting a revised request at a future date. You may wish to refine any such request by focussing on any key decisions that were taken, or on a much more focussed time frame. It may be helpful for you to reformulate any new request by focussing on any specific questions you want answers to. If you do refine your request in this way, this will be treated as a new request.

4. The Minister for Rural Affairs and North Wales and Trefnydd met with the League Against Cruel Sports (LACS) in November 2020 and the RSPCA in October 2021. The RSPCA also met with Welsh Government officials at an evidence-gathering meeting in May 2019 with stakeholder organisations, which included RSPCA. No meetings have been held at any level with the National Anti-Snaring Campaign or Prof Stephen Harris.
5. Attached is all documentation associated with the meetings listed that is held by the Welsh Government. It is not regular practice to produce minutes to Ministerial meetings. In most cases, only Action Points arising from the meeting are noted. The meeting between the Minister and LACS produced no actions.

Meeting with LACS in November 2020 – Document 9.1

Meeting with RSPCA in October 2021 – Document 10.1 to 10.3

Meeting with stakeholders May 2019 – Document 11.1 & 11.2

The decision to include a pledge to ban the use of snares in Wales was made at a political party level and included in the 2021 Labour Party manifesto, information on those deliberations is therefore not held by the Welsh Government. This manifesto pledge was subsequently transposed into a Programme for Government commitment following the last Senedd election and is being delivered through the Agriculture (Wales) Bill.

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.

Annex A

Freedom of Information Act 2000: Section 40(2)

Regulation 13– Personal data

Regulation 13(1) together with the conditions in Regulation 13(2)(a)(i) and 13(2)(a)(ii) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 2018 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested contains third party personal data.

Under Regulation 13(1) of the EIRs, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:]

“processed lawfully, fairly and in a transparent manner in relation to the data subject”
The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:-

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate interests

We are not aware of any legitimate interest in the disclosure of the identities of junior members of staff who attended meetings.

2. Is disclosure necessary?

We do not believe it is necessary to identify junior officials for the World to understand and follow the discussions and outcomes from the meetings.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

As we do not believe there is a legitimate interest in identifying the individuals, not is it necessary to identify these individuals to follow the meetings and outcomes, we are of the view that disclosure would breach the fundamental rights and interests of these individuals, and as such would be a breach of data protection legislation. Consequentially, we are of the view that the information should be excepted from disclosure.