

2 November 2023

Dear

ATISN 19140 - Listed Buildings At Risk

Thank you for your request of Friday 6 October which I received on Monday 9 October.

You asked that we provide written answers to the following specific questions:

1. Does Cadw keep a schedule of Listed Buildings At Risk?

Since 2012, Cadw has commissioned the Handley Partnership to produce a survey of the condition of all listed buildings in Wales. This is recorded on the [HAAbase-Wales](#) database, a secure web application, commonly known as the Buildings at Risk Register (BAR). The surveys provide information relating to condition, use and the risk status of all listed buildings. The information is made available to local planning authorities to help them meet their responsibilities for the protection of listed buildings. The data is also used to assist Cadw in considering its priorities for grant assistance, and to report against the relevant [National Indicator for Wales as required by the Well-being of Future Generations \(Wales\) Act 2015](#).

2. If Cadw has a Listed Buildings At Risk schedule can you please provide a copy?

The BAR contains data about occupancy status, addresses, and correlating photographs taken within the boundaries of domestic dwellings and outside the public view. In the vast majority of cases this would not add up to personal data, although as it is impossible to definitively rule out, I have considered whether release of this information may disclose personal data, and I have concluded that it could.

Photographs are taken with the goodwill of owners and occupiers on the understanding that they will not be disclosed. So I have also considered whether release of this information may breach a right to privacy, and I have concluded that it does.

I am also mindful that the photographs may indicate home security arrangements, or a lack thereof. Therefore, I consider that the release of this information may lead to an adverse effect on the protection of the environment.

I have therefore decided that this information is excepted from disclosure. My reasons are set out in full at Annex A to this letter.

I have however, attached a summary overview document from the Handley Partnership with aggregated high-level statistical data.

3. If there is a schedule of Listed Buildings at Risk how is the schedule maintained, and updated, and by which organisation?

The BAR is currently maintained and updated by the Handley Partnership. Summary inspections of all listed building in Wales are carried out on a 5-year rolling programme, and the risk assessments are uploaded to the BAR database according to this timeframe. Occasionally, Welsh Government officials (in practice, Cadw) may ask the consultant to reassess a listed building if new evidence emerges, but that is the exception rather than the norm.

4. How are listed buildings added to the 'At Risk' schedule?

All listed building in Wales are assessed. Cadw advises the Handley Partnership on an annual basis of additions to the List (newly listed buildings) and removals from the List (newly "de-listed" buildings).

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
FreedomOfInformationOfficer@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 A - ATISN 19140

Regulations 12 & 13 of the Environmental Information Regulations 2004

I have decided to withhold the following information:

Information being withheld	Section number and exception name
Environmental Information of: - Home security arrangements, the disclosure of which may adversely affect listed buildings.	Regulation (12.5.g) of the Environmental Information Regulations: the protection of the environment to which the information relates.
Personal information of: - Photographs of listed buildings taken within the boundaries of private domestic properties that could reveal personal data about living individuals.	Regulation (13) of the Environmental Information Regulations: the information requested includes personal data of which the applicant is not the data subject.

Engagement of Regulation 12

Regulation 12 of the EIRs sets out an exception from the duty to disclose if disclosure would adversely affect the protection of the environment to which the information relates (5.g)

Guidance from the Information Commissioner's Office states:

- The system for listing buildings of architectural and historic interest is an example of the protection of the environment.
- If disclosure would lead to increase in individuals attempting to interfere with a designated asset there would be an adverse effect on the protection of the environment.

In my assessment, owners and occupiers of listed buildings would have a reasonable expectation that this information indicating home security arrangements would be kept confidential and not disclosed to the world at large. It would be unfair to the owners and occupiers to release this information as it has the potential to cause unnecessary and unjustified harm to the owners and occupiers of listed buildings, and to the listed buildings themselves.

Although there is a public interest in the openness and transparency of government, and in accessing information about buildings of special architectural and historic interest, this must be balanced against the public interest in maintaining the fundamental security of these properties, as well as the negative impact it would have on our ability to collect such information should this be revealed. I have therefore determined that the public interest favours withholding this information.

Engagement of Regulation 13

Regulation 13 of the EIRs sets out an exception from the duty to disclose if the information requested is personal data protected by the General Data Protection Regulations (GDPR).

Personal data means information which relates to a living individual who can be identified from that data; or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

I consider that information regarding names and addresses of members of the public, as well as information relating to their private lives to be personal information.

Guidance from the Information Commissioner's Office states:

- The starting point is to consider whether it would be fair to the data subject to disclose their personal data;
- If disclosure would not be fair, then the information is exempt from disclosure.

In my assessment the individuals concerned would have a reasonable expectation that their personal data would be kept confidential and not disclosed to the world at large. It would be unfair to the individual concerned to release their personal data. Disclosure would give rise to unfair and unwarranted intrusion on the individuals' privacy, and has the potential to cause unnecessary and unjustified harm to the individual.

Release of this information may also breach Article 8 of the European Convention on Human Rights – a right to respect for one's "private and family life, home and correspondence."

I have thus concluded that in in this case, disclosure would not have been within the reasonable expectation of the individual and the loss of privacy would cause unwarranted distress. It is my view that disclosure of would breach the first data protection principle, and thus are exempt from release under regulations 12 and 13 of the Environmental Information Regulations 2004.