

22 November 2023

Dear

Request for information - ATISN 19311

Thank you for your requests which I received on 20 November 2023. You asked for:

- All correspondence between Marubeni and the Welsh Government - whether politicians or officials - since 3rd February 2023.

Our response

From my preliminary assessment I estimate 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 your request. The appropriate limit specified for central 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.

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.

Your request asks for correspondence across Welsh Government and does not specify a subject, nor the type of information you are looking for. Were we to search all of Welsh Government, even though the vast majority of officials in most divisions would hold no information in scope, the task of establishing this situation would be significantly beyond 24 hours work (based on 5,000 officials each spending 1 minute to assess the request and determine they have no information in scope, this would amount to 83 hours of work).

However, I think it would be reasonable to narrow the scope of your request to policy divisions known to have had contact with Marubeni based on the scope of your previous request history. This gives a much narrower set of officials who would be

likely to have correspondence. Although this might not amount to all such correspondence, I believe that the task of locating and extracting such correspondence would still exceed the appropriate limit. There are at least eight officials who would have the bulk of correspondence, but not the entirety. We asked one official to identify information that may be in scope and they located 130 items. However, each item must be opened and read to see if it does fall in scope of the request. This is a manual process, and we expect this would take approximately 2 minutes per item.

Based on this sample alone, 130 items across 8 officials at 2 minutes each gives just under 35 hours of work. This exceeds the appropriate limit, and even so does not provide a guaranty that it captures all such correspondence.

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 could describe what information you are looking for, rather than the class of documents, this would assist us in narrowing down the search. If you do refine your request in this way, this will be treated as a new request.

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.

Yours sincerely