

29 April 2024

Dear

Request for Information – [ATISN 20236]

Thank you for your letter of 2 April 2024 providing clarification of your request ("**Revised Request**").

In accordance with the Revised Request, we are treating your Revised Request as being under the Freedom of Information Act 2000 ("**FOIA**"), rather than the Environmental Information Regulations 2004 ("**EIRs**").

Further to your request for a review of our response, we have now conducted such a review and the decision has been **upheld in part** for the following reasons:

1. We initially refused your request on the basis that it was '*manifestly unreasonable*' under the EIRs, due to the cost and resource burden on us. This same argument for refusal would have also applied under the FOIA regime. FOIA contains a specific £600 cost limit to comply with requests, which would have been exceeded for dealing with the original request.
2. The clarification of the Revised Request that has been provided does help narrow the focus of the request to documents stored recording the assessment of claim CE-002. We have therefore reconsidered the request in light of this clarification.
3. We neither confirm nor deny that we hold information falling within the description specified in your request. The duty in section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of section 36(3) of FOIA in that to do so would prejudice the 'effective conduct of public affairs'.
4. This should not be taken as an indication that the information you requested is or is not held by us.
5. At a Liaison Committee on 12 February 2024, we stated that we are currently working through the various documents that were submitted in December 2023. We also explained that there are many complex issues at play. These issues understandably require and justify an appropriate and proportionate time to properly investigate and understand before we are able to respond to the claims properly. We have therefore stated that we will provide a response in due course. Prior to our response, any engagement under the FOIA regime in respect of material that may or may not be held would be prejudicial in nature in relation to our conduct of public affairs (i.e. the consideration of Claim "CE-002").

Following our review, we are unable to process your request any further.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office,
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