

19 February 2025

Dear

ATISN 23278 - Request for Information.

I refer to the email of 20 January 2025 requesting the following information:

- A list of recipients of the Welsh Marine and Fisheries Scheme grants <https://www.gov.wales/marine-fisheries-grants>. To include proposed project details if possible.

Response

There are a total of 29 grant recipients under the Welsh Marine and Fisheries Scheme.

See Annex A for a list of grant recipients and proposed project details.

I am unable to provide the names of the other grant recipients as I consider this the personal information of a private person, and I have been unable to obtain consent to release the information. Therefore, I am withholding the information under Regulation 13 of the Environmental Information Regulations 2004 as it unduly interferes with the right of the beneficiary to respect for their private life in general and to the protection of their personal data in particular. See annex B for an explanation of the public interest considerations.

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

List of grant recipients and proposed project details.

Business	Project Description
	Health and Safety
	Health and Safety
	Health and Safety
	Health and Safety
	Health and Safety
	Health and Safety
Uwchlaw Services Ltd	Health and Safety
	Health and Safety
	Health and Safety
	Health and Safety
SPE FISHING LTD	Health and Safety
	Health and Safety
	Health and Safety
Plant Ecology Beyond Land (PEBL) CIC	Deorfa Delysg - Native Dulse Seaweed Seedling Production System
Aberystwyth University	GENSPEL: Genomic analysis of small pelagic fish for ecosystem-based fisheries management in Wales
Swansea University	Tracking European sea bass and Bass and Ray tracking in the Bristol Channel
Baker Brothers	Improved processing capabilities and adding value to the catch
	Business investments
Orme Sea Fishing Trips	Energy Efficiency vessel upgrades
	Improvements to processing facilities
Tethys Oysters Ltd	Oyster Handling and Transport to Increase Efficiency
	Energy efficiency
	Improved infrastructure facilities
	Business investments
Plant Ecology Beyond Land (PEBL) CIC	SeaLens - End-to-end marine monitoring system for capturing and sharing ocean data
	Business investments
Bangor University	Trialling scallop light potting in Wales: An innovative low impact, high value fishery for the Welsh
Bangor University	Using passive acoustic monitoring to better understand cetacean bycatch risk in Welsh net fisheries
Cheetah Cat Ltd	Improved processing capabilities and quality of the catch

Application of exemptions/exceptions

The Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR) provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided that the names of individuals who received a payment is excepted from the requirement to disclose by virtue of regulation 13 of the EIRs.

Engagement of Regulation 13 (personal data) of the Environmental Information Regulations (“EIR”)

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 the UK GDPR as follows:

‘Personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person 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 that natural person.

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 EIRs 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 EIRs 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

Welsh Government recognises the inherent public interest in openness and transparency that release of this information would engender.

2. Is disclosure necessary?

Although a system exists internally to review payments to ensure that public money is not being misdirected, disclosure would be necessary to ensure full transparency of this process.

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

The information requested, being personal information and of a financial nature, is sensitive and disclosure would constitute unfair processing of the data, contrary to the first data protection principle, for the individuals in receipt of payments. Disclosure of individuals who received a payment would be identified to living individuals and would constitute part of the private income of those individuals. Understanding this, the scheme has been set up with a level of internal scrutiny and audit.

Whilst there is an argument for transparency in payments with public money, I do not find this to be of sufficient weight to counterbalance the fundamental data protection rights of the data subjects, particularly to their right of fair processing with respect to the privacy of their personal income and financial management. As there is an existing scrutiny process in place, I conclude that the balance of the legitimate interests and the data subject's fundamental rights lies with withholding the information.

Regulation 13 is an absolute exemption and not subject to the public interest test.