



Llywodraeth Cymru
Welsh Government

3 September 2025

Dear ,

ATISN 25033
Information requested

Thank you for your request which I received on 5 August 2025. You asked for:

- Further information regarding the amending of the Sharepoint document released to you under ATISN 24504 (Note correction from ATISN 24503 as per your request), specifically, what changes have been made, what date and time the sharepoint document was amended, and the reason or rationale for making the changes.
- Copies of information showing why Welsh Government want to distance this issue from Coal Safety and thus why the site has been listed as a coal tip on the national map. The date it was inputted into the national program of tip safety. Copies of all reasoning or rationale why we have stated that the information provided to the BBC was from an individual, any recorded information identifying the specific agenda we believe this individual has, and recorded information that leads us to say it is misrepresentative, or false.
- Copies of any information that we hold about this individual, Mr Peter Ryan.

Our response

- The SharePoint doc was a briefing document for the Cabinet Secretary for Housing, Local Government and Planning. The amendment referred to was to insert the paragraph provided in the email of 9 April (released under ATISN 24504). We have provided an excerpt from the relevant section within the Sharepoint document referred to below (Annex A). There are no documents which show “what changes have been made, what date and time the sharepoint document was amended, and the reason or rationale for making the changes.” but looking at the emails released in

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

response to ATISN 24504, the amendment was made some time between 14:01 and 14:47 on 9 April.

- There are no records relating to “information showing why Welsh Government want to distance this issue from Coal Safety” other than a standalone correspondence between WG and NPT on the “multitude of factors” relevant to actions taken at the school (Annex B).
- T37552 was first published as part of the launch of the publicly available National Disused Coal Tips Dataset in November 2023. There is partial attribution within the background data referencing summer 2022 at when its inclusion was being considered, during the data capture period for the national dataset.
- There are no records relating to “Copies of all reasoning or rationale why we have stated that the information provided to the BBC was from an individual, any recorded information identifying the specific agenda we believe this individual has, and record information that leads us to say it is misrepresentative, or false.”
- Any copies of information that Welsh Government hold about this individual, Mr Peter Boden-Ryan also known as Mr Peter Ryan, will be disclosed within the Data Subject Access Request ATISN 25032.

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

Annex A

Briefing for Cabinet Secretary for Cabinet Secretary for Housing, Local Government and Planning for Cabinet 15 April 2024

initial assessment of the key opportunities and risks in HLGP portfolio

What are the three top delivery priorities in your portfolio for the period to May 2026?

Coal Tip Safety

The Mines and Quarries (Disused Tips) Bill is in its latter drafting stages and is currently on track for Senedd introduction in Autumn 2024. There is ongoing public interest in **Ffos-y-Fran** concerning the safe restoration of the site by the operator, a potential tip reclamation scheme in **Bedwas**, and the demolition of **Godre'r Graig school**.

Annex B

From: [REDACTED]
To: [REDACTED]
Subject: RE: Saved Our Schools
Date: 07 July 2025 15:31:00
Attachments:

[Image007.jpg](#)
[Image015.jpg](#)
[Image016.jpg](#)
[Image018.jpg](#)
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[Image030.jpg](#)
[Image031.jpg](#)
[Image032.jpg](#)

Hi [REDACTED]

Apologies for the delay.

The multitude of factors included:

- The location and proximity of disused tips on land above the site.
- Land stability above the site.
- Land drainage issues above the site.
- Costs associated with securing the land affected and protecting the site to mitigate against the hazards identified.
- Serviceability of the site following a prolonged period where it hadn't been in use.
-

Thanks,

[REDACTED]

Annex C

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

Welsh Government acknowledges the general public interest in openness and transparency that release of the information would engender. However, we cannot identify any particular legitimate interest in the provision of personal data for individuals working in this area.

2. Is disclosure necessary?

We do not believe it is necessary to release the names of individuals for the discussions and exchange of information to be understood. The provision of this data would not add to the understanding of the information provided or provide any additional context.

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

As we do not believe disclosure would further the understanding of the information released we do not believe any interest in accessing these details outweigh the data subjects’ interests, fundamental rights or freedoms.

As release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under Reg13(1) of the Environmental Information Regulations. Reg 13 is an absolute exception and not subject to the public interest test.