



30 September 2025

Dear ,

## **ATISN 25112 - Technical scrutiny of individual Social Housing Grant projects**

### **Information requested**

Thank you for your request which I received on 2 September 2025. You asked for a copy of the Pre-Planning Assessments undertaken for the following projects in Ceredigion County Council area.

- New development site at New Mill Road Cardigan by Wales and West Housing Association.
- Redevelopment of former hospital site at Cardigan by Wales and West Housing Association.

### **Our response**

Please see attached, Annex B and Annex C which provides a copy of the Pre-Planning Assessments relating to New Mill Road and Cardigan hospital.

I have decided that some of the information is exempt from disclosure under section 40 (Personal Information) and Section 43 (Commercial Interests) of the Freedom of Information Act and is therefore withheld. Consequently, individual names, email addresses, job titles and cost information have been redacted. The reasons for applying these exemptions are set out in full at Annex A to this letter.

### **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,

Housing Funding Team  
Welsh Government  
Rhydycar  
Merthyr Tydfil  
CF48 1UZ

[tanya.richards@gov.wales](mailto:tanya.richards@gov.wales)  
Tel: 0300 025 6520

Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ

or Email: [Freedom.ofinformation@gov.wales](mailto: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**

### **Application of exemptions/exceptions**

The Freedom of information Act/Environmental Information Regulations 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 to withhold the following information:

- Names and other personal details – Section 40(2) – Personal information
- Cost information – Section 43 – Commercial interests

This Annex sets out the reasons for the engagement of section 40(2) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

### **Section 40(2) – Personal Data**

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) 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 Section 40(2) of the FOIA, 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**

The personal data is the name of applicants in the captured information as well as the name of consultants. There is a legitimate interest in understanding the nature of the application, although this does not required the applicant to be named. Naming consultants would be a legitimate interest in cases where the expertise of the consultant were in question.

### **2. Is disclosure necessary?**

Disclosure of the applicant's personal data is not necessary for the legitimate interest. Naming of a consultant may be necessary for a legitimate interest in understanding who the consultants were and what their expertise was.

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

Because the redaction of the applicant's details meets the legitimate interest, disclosure of the personal data is not necessary, there is no need to further consider the balance of interests, and the information is withheld.

For consultants, the question is whether the data subject's fundamental rights and expectation of privacy outweigh the legitimate interest in naming them. As no clear legitimate interest has been expressed in understanding who the consultants were, and since they had an expectation of privacy, I find that their personal details should not be released. The legitimate interest is fully met by providing their organisation name, and so the personal data is withheld.

## **Section 43(2) – Commercial Interests**

This applies to the listed costs in the captured data.

This exemption states that:

*(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

Section 43 is a qualified (public interest tested) exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it. I have therefore given consideration to the effects of disclosure of the information to the world at large as the information is made available to anybody and everybody, not just the requestor. As such, when considering your request I have considered the wider effects of disclosure rather than any personal interest you may have in being provided with the information.

### *Prejudice test*

The information redacted is commercially sensitive and the release is likely to be prejudicial.

Releasing the information on the construction costs would be likely to enhance public understanding of the costs of a housing scheme. Disclosing detailed works cost information would be likely to undermine the competitive position of contractors or the authority in future procurement exercises. If competitors gain access to breakdowns of costs, they would be likely to undercut bids or tailor their own submissions to gain an unfair advantage, distorting the market and reducing value for money for the public sector.

### *Public interest arguments in favour of release*

The Welsh Government is committed to openness and transparency, and release of the costs in the captured information will give the fullest picture of what was intended in the submission/application.

### *Public interest arguments in favour of withholding*

There is a public interest in ensuring that any private sector body or individual can continue to make submissions into the public sector without harming their commercial interests in so doing. Disclosure of some information would cause the commercial harm described above, and causing such harms are not in the public interest.

### *Balance of the public interest*

There is a strong public interest in ensuring that interaction with government should not cause commercial harm, and so a strong countervailing public interest in disclosure would be required to over-ride this legitimate public interest. Lacking a

clear rationale as to why these costs are required to meet such a public interest, I consider that the public interest in maintaining the exemption outweighs the public interest in disclosure.