

28 July 2025

Dear

## **ATISN 24887 – All Wales Concessionary Travel Scheme**

Thank you for your request which we received on 1 July 2025. You asked for:

Discussions held between the Welsh Government and Transport for Wales / Transport for Wales Rail Ltd. regarding:

1. The legal position in respect of market distortion (as would be assessed by the Competition and Markets authority) for the provision of discounted rail travel when presenting a pass on TfW Rail journeys when the scheme is intended for local buses.
2. For question 1 above, what State Aid risks have been identified and mitigated through actions?
3. How is this discount funded?
4. What assessment has been done by yourselves to ascertain the risk this poses to the local bus network in Wales?

### **Our response**

Following a search of our records, I have established that the information you requested for questions one, two and four is not held by the Welsh Government. You may wish to contact Transport for Wales directly, who administer the Concessionary Travel Pass scheme.

For question three, we do hold some information contained within emails between the Welsh Government and Transport for Wales. I have retrieved the captured information from the two emails and included them below. Please note that all personal information has been withheld under Section 40 of the Freedom of Information Act, personal information. Full reasoning for applying this exemption is appended at Annex A at the end of this letter.

**From:** *(WG official name and email address redacted under Section 40)*

**Sent:** 19 September 2018 10:57

**To:** *Welsh Government officials and Transport for Wales official*

**Subject:** Fwd: Apprenticeship Levy: One Year On (responses/recommendations)

Hi all

*(Redacted as not captured by request)*

. . . WG has for years funded ATW to carry pass holders on four branch lines - Borderlands and Conwy Valley all year, HoWL and Cambrian Coast winter (October to March) on a rationale including poor access to bus services.

The ODP is required to carry forward the extant scheme.

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**From:** *(WG official name and email address redacted) (ESNR-Transport-Public Transport)*  
**Sent:** 12 April 2017 14:19  
**To:** *Welsh Government officials*  
**Subject:** Fw: Schedule 2.5

*(Redacted as not captured by request)*

The Welsh Government has funded a Concessionary Fares Rail Scheme on certain rural railways since 2007. The rail scheme complements the concessionary bus fares scheme and is intended to provide people with their entitlement to concessionary travel on public transport where bus services are limited or inaccessible. It is available to all concessionary pass holders, which encompasses people over 60 or who are disabled.

The rail scheme's objectives are to support socially necessary travel, including access to local services and centres, help support local economies in rural areas, and to promote more sustainable travel choices by offering an accessible alternative to the use of the private car.

*(WG official name redacted)*

Operational Development and Delivery Manager / Rheolwr Datblygu a Chyflawni  
Gweithredol Trafnidiaeth Gyhoeddus  
Welsh Government - Llywodraeth Cymru

## **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: [Freedomofinformation@gov.wales](mailto:Freedomofinformation@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

## ATISN 24887 - Application of exemptions

The Freedom of information Act provides 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.

We have decided to withhold the following information:

- The personal data contained in the information you have requested under Section 40 of the Freedom of Information Act 2000 (FOIA), personal data.

This Annex sets out the reasons for the engagement of Section 40 of the FOIA.

### Engagement of S40(2) – Personal Data

The Welsh Government believes the personal data contained in the information being released with this request should be exempt from disclosure

Section 40(2) of the Freedom of Information Act 2000 (FOIA), 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, some of the information contained within the information caught by your request contains third party personal data. Specifically, this relates to correspondence containing names of Welsh Government officials and their e-mail addresses.

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 UK 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) of the UK GDPR. 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:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. 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 Interest Test**

The Welsh Government recognises there is a legitimate interest in being able to identify the parties involved in any communication in order to follow the flow of that communication and to understand the views and positions expressed by each party. We do not believe, however, there is any legitimate reason why the personal data would need to be released in order to follow and understand those communications. The views expressed in the communications are those of the respective organisations rather than those of the individuals concerned. As such it is irrelevant as to who made those comments. The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

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

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request. It is straight forward, even when withholding the personal data, to follow the discussions and to identify the views expressed by the organisation. As such we do not believe it is necessary to disclose the personal data to allow the conversations to be followed.

### **3. The Balancing Test**

As it has been concluded that there is no necessity to disclose the personal data of another individual, the fundamental rights and freedoms of the affected third party prevail in this instance and releasing the information cannot be justified under Article 6(1)(f).

### **Conclusion**

To conclude, 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 section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.