

Dear

**Complaint in respect of Improper Consolidation and Handling of ATISN 26506, 26519 and 26554**

I wrote to you on 16 January regarding the handling of your FOI request.

I have conducted an internal review of your request in accordance with the procedure outlined in the [Requesting information from the Welsh Government](#) which is available by post on request, or via the Welsh Government website.

I note you received a response to your requests ATISN 26506, ATISN 26519 and ATISN 26554 on 14 January which stated your requests were very extensive and the sheer amount of information you requested would exceed the appropriate limit, as the time it will take to locate, retrieve and extract the information requested will be substantial.

In considering and reviewing your complaint, I have noted your original request, the response that issued and your subsequent complaint.

Your complaint of 15 January relates to grounds of procedural unfairness, improper aggregation, and failure to comply with statutory duties under the Act. My review has therefore focused on just those questions, which were:

**1. Improper consolidation of distinct and staggered FOI requests**

*The three FOI requests were received by Welsh Government on 15 December 2025 (ATISN 26506), 18 December 2025 (ATISN 26519), and 9 January 2026 (ATISN 26554).*

*They were not submitted simultaneously and were deliberately staggered to manage scope and administrative burden in accordance with ICO guidance.*

*While the Fees Regulations permit aggregation of similar requests for cost-limit purposes in limited circumstances, aggregation must be necessary, proportionate, and fair. Authorities must not combine sequential requests in a manner that artificially inflates search burden or frustrates access rights.*

*In this case, consolidation has created a materially broader composite request than any individual FOI submitted, resulting in a refusal that could not have arisen had the requests been considered independently.*

**2. The requests are sequential, not overlapping**

*Although the three requests relate to the same land disposal, they address different stages of the transaction, as follows:*

- *ATISN 26506 (15 December 2025) concerns the **existence, receipt, identity, completeness, and audit trail** of any bid submitted by the “second bidder”.*
- *ATISN 26519 (18 December 2025) concerns the **evaluation framework, scoring, weighting, assessment, and recommendation** applied to bids received.*

- ATISN 26554 (9 January 2026) concerns the **disposal strategy, public value assessment, valuation, conditions of sale, purchaser due diligence, and post-bid governance**.

*These are distinct evidential questions addressing different decision-making stages. Treating them as overlapping is not supported by the content of the requests.*

### **3. Failure to consider partial disclosure or disaggregation**

*Even where Section 12 is engaged, Welsh Government remains under a duty to consider whether any part of any request can be answered within the cost limit.*

*The response does not:*

- *identify which request, or which specific questions, allegedly exceed the appropriate limit*
- *consider whether discrete elements could be answered*
- *or provide any partial disclosure whatsoever.*

*A blanket refusal across all questions and all requests is inconsistent with the requirements of FOIA.*

### **4. Failure to provide lawful refusal or meaningful advice and assistance (Section 16)**

*Where Welsh Government considers that a request is too broad to be answered within the appropriate limit, the statutory scheme requires the authority either to issue a reasoned refusal identifying why the exemption applies, or to provide meaningful advice and assistance under Section 16 as to how the request may be refined.*

*It is not procedurally compliant to refuse the request in its entirety while providing neither a reasoned explanation nor specific, actionable advice. The generic suggestion that the requester “may wish to refine” the request, without identifying problematic document classes, date ranges, or search parameters, does not meet the statutory duty under Section 16.*

### **5. Request for remedy**

*As part of this internal review, I request that Welsh Government:*

- *reconsider the decision to consolidate the three FOI requests*
- *assess each request independently, or properly disaggregate them*
- *identify any discrete elements capable of being answered within the cost limit and*
- *provide meaningful Section 16 advice where refinement is genuinely required.*

The internal review concludes that:

### **1. Improper consolidation of distinct and staggered FOI requests**

Under the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the legal requirements to legitimately aggregate information requests require the requests to:

- *be made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;*
- *relate, to any extent, to the same or similar information; and*

- *be received by the public authority within any period of 60 consecutive working days.*

The first and third bullet points are factual and are clearly satisfied. For the second, the wording is (my emphasis): ‘to any extent, to the same or similar information’

Determining whether the information captured by different requests is to any extent the same or similar is a matter of judgement. In *John Slater v IC and Department for Work and Pensions EA/2019/0118*, 9 April 2020, the First Tier Information Tribunal commented:

*“Whether, however, the information to which the requests related was to any extent the same or similar is, in our view, a simple matter of examining the terms, and the context of, the requests themselves. It is, in essence, a question of recognition. It is easier to say if something is the same, or similar, when one can see it all, in context, rather than trying to prescribe what will or will not be the same or similar.”*

Further, in the ICO’s Decision Notice FS50681722, they state (in the context of aggregating requests):

The Commissioner acknowledges that two of the requests specify separate suppliers, however, the Fees Regulations’ wording of “relate, to any extent, to the same or similar information” makes clear that the requested information does not need to be closely linked to be aggregated, only that the requests can be linked.

You submitted 3 requests under the FOIA, all related to the disposal of the same pieces of land.

Guidance from the Information Commissioner states:

*The Commissioner considers that requests are likely to relate to the same or similar information where, for example, the applicant has expressly linked the requests. An overarching theme or common thread running between the requests may alert you to the possibility of aggregation. However, an overarching theme may not be sufficient on its own. You need to be careful not to take a superficial approach when looking for similarities between requests.*

Consequently, we believe that taking the full context of your requests into account, the ‘to any extent...similar information’ criteria is far more than ‘superficial’ and has been satisfied. I believe our aggregation of your requests under the Fees Regulations was correct and lawful.

However, the review found that each request independently generated very high volumes of information, requiring searches that far exceeded the 24-hour limit.

The consolidation did not materially affect the outcome because any one of the requests, assessed on its own, would still have exceeded the appropriate limit. The review therefore concludes that consolidation did not cause an unfair or artificial inflation of the search burden.

To that end, I do not uphold your complaint of improper aggregation of your requests.

## **2. Whether the requests were sequential rather than overlapping**

While the requests relate to different stages of the land disposal process, the searches required to locate relevant information for each stage still returned thousands of documents.

The review found that:

- The same repositories (iShare) and similar search terms were required.
- The volume of material relevant to each phase was substantial.

Therefore, even if treated entirely separately, each request still exceeded the 24-hour limit. The distinction between stages did not reduce the retrieval effort required.

### **3. Failure to consider partial disclosure or disaggregation**

The internal review examined whether any part of the three requests could have been answered within the statutory limit.

- Re-running refined searches still produced thousands of results—for example, 3,423 items for a single date-limited search.
- At an average of one minute per item, this still equated to over 57 hours, well beyond the limit.

On that basis, the review concluded that no discrete element could be extracted within 24 hours, meaning partial disclosure was not feasible.

### **4. Failure to provide lawful refusal or meaningful Section 16 advice**

The review found that the requester was appropriately advised that the volume of material exceeded the appropriate limit and was invited to refine the scope.

While the advice could potentially have been more specific, the statutory duty under Section 16 was met because:

- The refusal explained why the limit was engaged.
- The requester was told to narrow the request to specific documents or categories.

The review therefore found the advice was adequate, but does accept that future responses could offer more explicit examples of refinement.

For example, before submitting a request you could take some time to consider what specific information it is you are interested in. What is the question you have that you want an answer to? what is it you are trying to understand? Focus your request onto the specific information you believe we hold that will answer your question rather than ask for everything in the hope it may contain what it is you are looking for. It may be that correspondence rather than submitting a FoI request may get you the answers you are looking for.

### **5. Requested remedies**

The internal review considered the remedies sought, including separate assessment of each request and identification of answerable elements.

However, the evidence showed:

- Each request independently returned search volumes far beyond the 24-hour limit.
- Even refined searches still exceeded the limit.

Therefore:

- Reconsidering consolidation would not change the outcome.
- Assessing independently would still result in Section 12 refusals.
- No elements were capable of extraction within the limit.
- Section 16 advice was provided, and the requester was invited to narrow or refocus the requests.

From the analysis presented, I conclude that the original decision to refuse the request under Section 12 (appropriate limit) was correct and reasonable, as explained above.

If you remain dissatisfied with this response you 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.

Yours sincerely

Director of Economy - Business and Regions  
Cyfarwyddwr Economi - Busnes a Rhanbarthau