

Dear

ATISN 26573 – Smoke Control Areas

Thank you for your request, which I received on 14 January 2026. You asked for the following information:

- Details of all meetings and correspondence with the Stove Industry Association regarding Smoke Control Areas and the Smoke Control Areas guidance (published in July 2025) received between 1 January 2023 and the latest date for which records are available.
- Details of all meetings and correspondence with the Stove Industry Association regarding targets to reduce particulate matter (PM2.5) received between 1 January 2023 and the latest date for which records are available.

Our response

With regards to your above request, the following, attached documents were identified – please note, no meetings were held with Stove Industry Association.

- Response from the Stove Industry Association to the local air quality management and smoke control guidance consultation (submitted on 7 March 2025)
- Email from the Welsh Government to stakeholders, including the Stove Industry Association, notifying them about the fine particulate matter air quality targets consultation (sent on 17 November 2025)

I have decided that some of the information is exempt from disclosure under regulation 13 of the Environmental Information Regulations and is therefore withheld. The reason for applying this exemption is 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
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or Email: 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

Annex A

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 are neither senior nor public facing, both officials in Welsh Government and with stakeholders, are 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?

The information being withheld is personal information of officials who are not senior nor public facing, but were acting in an administrative capacity. Disclosure of this information is not necessary to meet the legitimate interest identified in the information. Likewise the names of those handling the information for the third parties are not required to meet the public interest in the openness of the content from the stakeholders.

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

Since the disclosure is not necessary, there is no need to consider the balance of legitimate interests test. The information is withheld.

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