

6 March 2026

Dear

ATISN 26677 – Pollution incident at Pen-y-Bont Wastewater Treatment Works

Thank you for your request which I received on 6 February 2026. You asked for:

1. Authoritative updates relied upon by Welsh Government
All recorded briefings, updates or correspondence provided to Welsh Government by NRW and/or DCWW between 17 May 2024 and 31 July 2024 which were relied upon to inform Welsh Government’s understanding of:
 - whether a leak had occurred or was suspected at Pen-y-Bont Wastewater Treatment Works
 - the nature, scale or significance of the issue
 - uncertainty or limitations in tracing the source
 - progress towards resolution or de-escalation

This request is limited to authoritative or senior updates used for oversight or Ministerial awareness, including CEO-level correspondence, senior regulatory briefings or updates marked “OFFICIAL SENSITIVE”.

Routine operational SITREPs need not be included unless they were used to brief Welsh Government officials or Ministers on the factual position.

2. Welsh Government’s recorded understanding at key decision points
All internal Welsh Government records which record or summarise Welsh Government’s understanding of the incident at the point of:
 - declaring an abnormal situation at Ogmere-by-Sea
 - lifting the abnormal situation
 - treating the incident as resolved or de-escalated

Our response

In relation to point 1 of your request, we have provided the Situation Reports (SITREPs) and email updates provided by Natural Resources Wales (NRW) and Dŵr Cymru Welsh Water (DCWW) during the period 17 May to 31 July 2024.

These records were used to inform officials’ understanding of whether a leak had occurred or was suspected at Pen-y-Bont Wastewater Treatment Works, the scale

and significance of the issue, associated uncertainties, and progress towards resolution. All information held by Welsh Government on this request has been disclosed to you.

For point **2** of your request, we have provided internal email updates prepared for operational awareness and decision-making. All information held by Welsh Government on this request has been disclosed to you.

Welsh Government does not hold any further recorded information related to your request.

We have decided that some of the information is exempt from disclosure under section 13 of the Environmental Information Regulations (EIRs) and is therefore withheld. The reasons for applying these exceptions 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,
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

Environmental Information Regulations

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 outweighs 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 Reg 13(1) of the Environmental Information Regulations. Reg 13 is an absolute exception and not subject to the public interest test.