

23 March 2026

Dear

ATISN 26749 Request for environmental information under the Environmental Information Regulations 2004

Information requested

Thank you for your request which I received on 23 February 2026. You asked for the same information to be provided as per ATISN 26678 but with a reduced timeframe from 1 January 2022 to date.

Your request concerns unpublished information held by Welsh Government, including sponsorship communications, submissions, briefings, advice notes, ministerial correspondence and recorded decisions.

Our response

The information you requested is enclosed at Doc 1. This contains redacted personal data.

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

The request includes broad general principles of accountability and transparency. I do not consider this to demonstrate a specific legitimate interest in accessing the particular information being withheld, namely the names or identifying details of the officials concerned.

2. Is disclosure necessary?

Personal identification of employees of the Welsh Government and NRW is not necessary in this case. The information being released can be fully understood without identifying individual members of staff. I do not consider disclosure of officials' names to be required. Releasing the names would not add materially to the understanding of the information provided and disclosure would not enhance transparency in a meaningful way.

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

The legitimate interest does not outweigh the interests and rights of the individual.

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.

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,