

Dear

## **ATISN 26763 Disused coal tip locations**

### **Information requested**

Thank you for your request for a shapefile package for the boundaries/locations of disused coal tips shown on <https://www.gov.wales/find-disused-coal-tips>, which I received on 03 March 2026.

### **Our response**

I have decided that the information requested (a shapefile package of the National Disused Coal Tips Dataset as shown on <https://www.gov.wales/find-disused-coal-tips>) is exempt from disclosure under sections 12(5)(c) and section 12(5)(f) of the Environmental Information Regulations 2004 (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](mailto: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

## **Application of exemptions/exceptions**

This Annex sets out the reasons for the engagement of section 12(5)(c) and section 12(5)(f) of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

### *Engagement of section 12(5)(c) 'Intellectual Property Rights' of the Environmental Information Regulations*

The Welsh Government believes that the information requested (a shapefile package of the National Disused Coal Tips Dataset as shown on <https://www.gov.wales/find-disused-coal-tips>) should be excepted from disclosure. The requested information contains Intellectual Property in the form of copyright that is owned by a Third Party. The Welsh Government has permission to use these copyrighted products under the terms of a commercial licence that places restrictions on the re-use of that Intellectual Property and any derived data. As the copyright owner generates revenue from the sale of products that contain that Intellectual Property, disclosure of the requested information would result in harms to that party caused by loss of revenue.

### *Engagement of section 12(5)(f) 'The interests of the person who provided the information' of the Environmental Information Regulations*

This exception states that information is exempt if release would adversely affect the interests of the person who provided the information where that person:

- (i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;*
- (ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and*
- (iii) has not consented to its disclosure*

The information captured by the request satisfies these criteria. The data products in question are provided only via a commercial licence agreement and not via any obligation. Access to the data product is provided solely through a commercial licence agreement with the IP Owner, and the licence agreement does not entitle the Welsh Government to further supply it to third parties. Neither has the IP Owner consented to the disclosure of the required information.

The Welsh Government believes that disclosure of the requested information would adversely affect the interests of the Intellectual Property Owner in the form of loss of revenue. This is due to the fact that the IP Owner provides access to the data products (from which the requested information is derived) through the sale of commercial licences. Disclosure of the information by Welsh Government would place data in the public domain in a re-usable, process ready format that can be re-used in countless ways and applications.

## **Public Interest Test**

### **Public interest arguments in favour of disclosure**

The Welsh Government acknowledges the presumption to make environmental information available that is inherent in the EIRs. We also acknowledge the general public interest in

openness and transparency that release would engender. Specifically, we recognise there is Public Interest in the disclosure of the boundaries of disused coal tips in Wales due to:

- a) the interests of the people of Wales to understand the locations of disused tips in relation to their property, interests, health and communities
- b) transparency in relation to the locations of coal tips and how they relate to policy in Wales and the work of the Welsh Government
- c) increased awareness for the purposes of public safety in relation to the proximity of disused tips in Welsh communities
- d) providing raw data for research which may itself provide public interest benefits through academic understanding of coal tips and the environment)

### **Public interest arguments in favour of withholding**

Disclosure of the requested information would adversely affect the interests of the Intellectual Property Owner in the form of loss of revenue. The IP Owners provide access to the data products (from which the requested information is derived) through the sale of commercial licences. Disclosure of the information by Welsh Government would place data in the public domain in a re-usable, process ready format that can be re-used in countless ways and applications by any interested third party. It would not be in the public interest to undermine the commercial interests of a third party in this way.

Although the public interest in this information is acknowledged, we believe that this interest – along with the obligation to pro-actively make environmental information available - is satisfied by the fact that locations of the boundaries and categories of disused coal tips in Wales are publicly available to view (but not re-use) online at <https://www.gov.wales/find-disused-coal-tips>

Although that information is not in a format that allows its ongoing processing and re-use, they do adequately satisfy Public Interest arguments in relation to the disclosure of locations and tip category ratings.

### **Balance of public interest test**

Because providing the information in the requested format adds little to the public interest in the information already available, we believe the interests of the third party licence owner outweigh the arguments for release in this instance. Because of that, the information has been withheld under the exceptions cited above.