Dear ,

Complaint in respect of ATISN 26842

Thank you for your letter of 29 April 2026 asking for an internal review of our handling of your request for information. I have undertaken this review into the handling of this request, ATISN 26842, which we have treated as an Environmental Information Request, regarding the Ragwort Code of Practice (Wales, 2026).

In undertaking the review, I have confirmed that we do hold relevant information and met with the original staff involved, who set out their reasons for handling the request in the way they did.

In relation to the issues expressed by the complainant, you have requested for the review to:

- Reconsider whether the Craven precedent properly applies to the materially different facts of your case.
- Reconsider whether the burden calculation is accurate and whether a more targeted search strategy would reduce it significantly.
- Apply the public interest test properly, distinguishing between the published consultation material and the specific internal information you have requested.
- Consider whether partial disclosure of at least some elements of your request is possible and appropriate.
- Acknowledge and remedy the failure to provide specific and meaningful advice and assistance as required by Regulation 9

Having discussed the approach taken with the staff involved, they outlined that the approach undertaken followed the same steps as would have been undertaken for the FOI cost threshold, but recognising the differences in the EIR regime. It was not a classification as vexatious that was applied, but one that calculated the scale of the request and the time it would have taken, and it is this which underpinned the application of the manifestly unreasonable exception from a timescale and cost perspective. Having reviewed the estimate of the time set out within the response, I find it to be conservative as it did not factor in the time it would have taken to extract documents from the electronic filing system, with the real total likely to be far higher.

A targeted approach was considered, but that could not be undertaken without either selectively choosing from the request or otherwise going through all the information potentially identified. As it would not be appropriate for officials to make a judgement as to which elements were of greater importance to select from the request, the approach taken was to assess the scale of information potentially captured and assess the time that would take.

In relation to the public interest test, I do not find that it was not properly applied. In addition to the consultation having been undertaken and responses published, a tracked changed version of the suggested changes to the code had also been published. I note that the information requested includes the various drafts of the code and associated documents which were part of the internal policy development process; with it being in the public interest for governments to be able to undertake that process robustly. There is also a key consideration as to the impact of the amount of time needed to respond to the request being taken away from other important elements of their role.

A partial disclosure was considered but officials judged that as not being possible as it would have required them to choose elements from the request. As that would not have been appropriate, I do not see that would have been an option in this instance without a narrowing of the request by yourself, as the requestor.

In relation to the requirement to provide advice and assistance, I note the steps taken in the correspondence to point you in the direction of published information and the description of the approach taken to reviewing the responses to the consultation. I do however find that more could have been done to communicate to you that you would be able to submit a revised, narrowed request which would then be treated as a new request for information.

In relation to the outcome of the review, I therefore find that the original decision is upheld, but that you should have been provided further assistance in relation to the option to submit a revised request. I apologise that this was not made clear to you.

Should you wish to make a revised and narrowed request, this will be treated as a new request. The Welsh Government has published a practical guide to assist you in making requests for information. This may be found online here:

Requesting information from the Welsh Government [HTML] | GOV.WALES

I have considered your complaint in accordance with the procedure outlined in the Welsh Government's Practical Guide for Making Requests for Information which is available by post on request or via the internet at: [Link]

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

Rhodri Asby
Deputy Director - Resource Efficiency & Circular Economy