

5 May 2026

Dear

## **ATISN 26868 - OXO-BIODEGRADABLE PLASTIC**

Thank you for your Information Request which I received on 7 April 2026. You asked for:

- A copy of the independent reviews of the scientific literature relating to oxo-biodegradable plastic and a copy of the independent review of the 2025 Intertek Test Reports you provided to the Welsh Government on 5 June 2025
- A copy of any other information on this subject received by the Welsh Government since your last Freedom of Information request on 22nd August 2022

### **Our response**

Please see Annexes B and C which contains the information requested, please do note the points below regarding their production.

Following your 10<sup>th</sup> April clarification of the intended scope of the request, text relating to our independent review of the 2025 Intertek Test Reports has been redacted, leaving the literature review parts of the report (see Annex B). Of the remainder of the information in the review, we have determined that personal information is exempt from disclosure under regulation 13 of the Environmental Information Regulations and this information is therefore also redacted. The reasons for applying this exception are set out in full at Annex A to this letter.

Your request for a copy of the other information on this subject received by the Welsh Government since your last Freedom of Information Request on 22 August 2022 is at Annex C. Please note we do not hold copies of these papers, so for ease of reference I have provided a link to where they can be accessed.

### **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](mailto: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/Environmental Information Regulations 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 to withhold the following information:

- Personal data in the captured information.

This Annex sets out the reasons for the engagement of regulation 13 of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

#### **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**

We recognise that there is a legitimate interest in the independent review and the evidence for the review, although I understand you already hold much of the evidence. This allows understanding of the evidence base for public policy, and is clearly a legitimate interest.

### **2. Is disclosure necessary?**

The personal information contained in the report, including the name and contact details of the report author, are not required for the legitimate interest identified above. No other legitimate interest has been identified in that personal information.

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

As disclosure is not required to meet the legitimate interest above, it is not necessary to consider the balance of the interests, and the information is withheld.