



Llywodraeth Cymru
Welsh Government

6 July 2026

Dear

Request for Information – ATISN 27068 - Garth Court JIT Inspection Summary Document

Thank you for your request which I received on 8 June 2026. You asked for access to recorded information held by the Welsh Government relating to the Joint Inspection Team inspection of:

Garth Court (Block 1)
Abbey Road
Llandudno
Conwy
LL30 2HF

Our response

The Joint Inspection Team Inspection Report for Garth Court, Llandudno is attached.

I have decided that information relating to external emails on the sharing of the Joint Inspection Team inspection report document for Garth Court is exempt from disclosure under section 40(2) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at **Annex A** to this letter.

Information you requested on the inspection summary document prepared, drafted, approved and issued in relation to the Joint Inspection Team inspection of Garth Court is not held by the Welsh Government. I believe that the Joint Inspection Team holds information which you are seeking. You can ask them for the information via Dawood Haddadi, Head of the Joint Inspection Team (dawood.haddadi@jit.wales) or I can transfer

your request to them. Please inform me in writing if you would like me to transfer your request.

You can also find the summary inspection report on the Joint Inspection Team's webpage: [INSPECTIONS | https://www.jit.wales/](https://www.jit.wales/).

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

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:

- Correspondence between an external individual and the Welsh Government on the sharing of the Joint Inspection Team inspection report for Garth Court, Llandudno.

This Annex sets out the reasons for the engagement of section(s) 40 (2) of the Freedom of Information Act.

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) 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 1998 (‘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 Section 40(2) of the FOIA, 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

There appears to be a legitimate interest in sharing external correspondence with the Welsh Government about the Joint Inspection Team inspection report for Garth Court, Llandudno, set against the broad general principles of accountability and transparency.

2. Is disclosure necessary?

No. Any information that would allow the identity of the writer of the emails would be their personal data. As such, such correspondence should be withheld under s40(2). The central request is for access to the building inspection report, which is being addressed without disclosing this specific personal data.

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

As noted above, we do not consider disclosure of the personal data of external individuals is necessary. The disclosure would involve the release of personal data into the public domain, where there would be no control over its further use and could cause unwarranted intrusion and potential distress. The information in scope also contains third-party personal data and the individuals concerned would have a reasonable expectation that their personal data would not be disclosed into the public domain. We therefore consider that the interests and rights of the data subject outweigh any legitimate interest in disclosure, and that releasing the information is not justified.

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.