09 November 2026

Dear

ATISN 27411 - Carneddau pony derogation, herd management and removals

Information requested

Thank you for your request which we received on 25 August 2026. You asked for recorded information covering the period 1 January 2015 to the present about the Carneddau pony semi-feral equine identification derogation, including:

- applications, approvals, renewals, plans, annual returns and conditions relating to the derogation;
- the land and commons covered by the derogation, including Llanllechid Common and responsibility for the ponies there;
- annual herd information, including pony numbers, breeding mares, stallions, foals, deaths, ponies removed and participating owners;
- ponies removed directly to slaughter, including available information on their age and sex, destination, movement dates, identification documentation, and any identification, transport, documentation or welfare issues;
- ponies leaving the designated area for other purposes, including rehoming, conservation grazing, sale or domestic use, and whether they were subsequently microchipped and passported;
- policies or criteria used to determine which ponies are considered surplus and selected for removal, including consideration of sex ratio, genetics or bloodline, age, health, behaviour and appearance;
- the names and official roles of Society members, owners or authorised representatives notified to the Welsh Government in connection with the derogation;
- records relating to methods used to identify ownership of the ponies, including ear notching and tagging;
- compliance, inspection, audit or review records relating to identification and traceability, movements, slaughter, animal welfare, fitness to travel and annual records;
- correspondence with relevant organisations concerning the derogation;
- assessments of whether the derogation and its current governance arrangements remain suitable for the Carneddau pony population; and
- where movement or slaughter records are held by another authority, details of the authority holding that information.

Our response

A copy of the information we have decided to release is enclosed.

The enclosed information represents the recorded information held by the Welsh Government that falls within the scope of your request. For clarity:

- **Derogation documentation:** We hold annual derogation returns for some of the period covered by your request. These are enclosed.
- **Designated land and commons:** Information identifying the areas covered by the derogation is contained within the enclosed records.
- **Herd information:** The information held is limited to the categories recorded through the derogation process. This includes figures described in the records as “details of ponies covered by the derogation”. We do not hold separate recorded information establishing the total herd population or the number of deaths for each year.
- **Ponies removed from the designated area:** The information held through the derogation process is limited to the information recorded about foals. We do not hold equivalent information covering all ponies removed from the area.
- **Direct movement to slaughter:** We do not hold the requested annual information on ponies removed directly to slaughter, or the associated information requested concerning destination, movement dates, identification, documentation, transport or welfare concerns.
- **Ponies leaving for other purposes:** The information held includes the recorded number of foals sold privately or at a non-derogation sale. We do not hold recorded information within the derogation returns confirming how many were subsequently microchipped and passported.
- **Criteria for identifying surplus animals:** We do not hold information relating to this request.
- **Identification methods:** We do not hold information relating to this request.
- **Compliance, inspection and audit records:** We do not hold recorded information falling within the categories specified in this part of your request.
- **Correspondence:** We do not hold information on correspondence with the organisations specified in your request concerning the derogation.
- **Assessment of the derogation:** We do not hold information relating to this request.
- **Records held by other authorities:** We do not hold information relating to this request.

We have decided that names and official roles of current and historic lists of Society members, owners or authorised representatives formally notified to Welsh Government in connection with the derogation is exempt from disclosure under regulation 13 of the Environmental Information Regulations and is therefore withheld. The reasons for applying these exemptions 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

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

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.

We have decided to withhold the following information:

- Names and official roles of Society members, current and historic – Regulation 13 – Personal data

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.

Engagement of regulation 13 (Personal Data) of the Environmental Information Regulations

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 potentially a legitimate interest in the identification of the owners of the horses, and there can be a variety of reasons why this may be legitimate, such as reporting injury or damage to or by the animals, or for research, enquires etc.

2. **Is disclosure necessary?**

   The request asks for the details of all owners, but in most cases of legitimate interest it would be sufficient to have the contact details of just the secretary of the society. Nevertheless, disclosure of at least some of the details is necessary to meet all possible legitimate interests. It is not clear that disclosure is necessary of historic owners. That point is moot, however, as Welsh Government does not hold details of historic owners, and only some details of current owners.

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

   Even though there is legitimate interest in identifying, at least, current owners, it is not clear that the information held by Welsh Government is sufficient to answer such legitimate interests. Welsh Government only has partial information of some owners. The question is whether release of the information we hold may be released or should be withheld owing to the fundamental rights of the data subjects.

   In this case, it is clear that the details we hold were not collated systematically, and were provided to Welsh Government voluntarily. The details are incomplete

in most cases, and may also be out of date and contain errors. The members of the society would have not expected these details would be placed in the public domain when they voluntarily provided them to us, and their release would therefore constitute unfair processing of their personal data.

Although we recognise the legitimate interests in these data, we find that on the balance of interests, the information should be withheld.