Dyddiad/Date: 28/10/2026

Dear

ATISN 27461 – Outcome of Internal Review

Thank you for your email of 30 September 2026. I have completed my internal review in response to your complaint.

You stated that you didn't think your main question had been answered and wished for an internal review particularly of the answers to questions 3, 4, 5, 7 and 8.

Our response

I have reviewed the handling of your request under the Environmental Information Regulations 2004, which provide the applicable access regime for this environmental information.
You asked for,

1. **The names and organisations of the appointed members of the Task and Finish Group**.
   Having reviewed our response, I am satisfied that the names of individual Task and Finish Group members were correctly withheld under Regulation 13 of the Environmental Information Regulations 2004.The names of individual members constitute personal data. I am satisfied that disclosure would be unfair and unlawful and would breach the first data protection principle set out in Article 5(1)(a) of the UK GDPR. Accordingly, Regulation 13 applies and the information remains withheld, see annex A for detailed arguments and public interest tests relating to this exception.

2. **The selection criteria used when choosing members and the original call for expressions of interest**.
   The expression of interest states' The CoAPR Review Recommendations Task and Finish Group will consider material of a technical nature and must include members with sufficient expertise and experience to provide a valuable contribution to discussions on technical aspects of the relevant recommendations. Given the technical nature of the recommendations is varied, it may be appropriate for organisations to nominate different representatives to cover specific recommendations'. Having reviewed the information held, I can confirm that no separate assessment matrix, scoring framework or evaluation record was created. Selection was based solely on information provided by applicants through the Expression of Interest process.
3. **The relevant professional qualifications and areas of expertise represented within the group, without disclosing unnecessary personal information**. I consider the detail of the EOI submissions are personal information and were correctly withheld under Regulation 13 of the Environmental Information Regulations 2004. However I

am able to provide some summary information of qualifications and experience disclosed under those EOIs as follows:

- Approximately 40 years' experience in wastewater treatment and the recycling of biosolids.
- A PhD in Soil Science
- An MSc in Organic Farming.
- FACTS-qualified agronomists and advisers.
- Experience teaching agronomy.
- Experience working with environmental regulators, including Natural Resources Wales and the Environment Agency.
- Approximately 25 years' experience working within the Red Tractor assurance scheme.
- Experience in water regulation and environmental compliance.

I am satisfied that this information provides details of the expertise represented within the group while avoiding the disclosure of personal data relating to individual members.

4. **Confirmation of whether the group includes any currently practising FACTS-qualified advisers, BASIS-qualified agronomists, soil scientists, agricultural engineers, slurry contractors or independent farm nutrient management specialists**.

   Please see table below showing declarations made against your list of specific expertise.

FACTS-qualified advisers	Yes
BASIS-qualified agronomists	Yes
Soil scientists	Yes
Agricultural engineers	No information was requested or recorded by Welsh Government regarding these specific categories of expertise and therefore no information is held.
Slurry contractors	No information was requested or recorded by Welsh Government regarding these specific categories of expertise and therefore no information is held.
Independent farm nutrient management specialists.	Yes

5. **Details of any external scientific or agronomic contractors commissioned to support the group, including the expertise and professional qualifications required under their technical specifications**.

   Specialist agricultural advice was procured through an existing framework agreement with RSK ADAS. Having reviewed the information held, I can confirm that the procurement documentation did not specify individual qualifications, professional memberships or accreditation requirements beyond those already contained within

the framework agreement. No further recorded information is held regarding specific qualification or expertise requirements for individuals providing support under that arrangement

6. **The group's terms of reference, work programme and anticipated timetable for recommendations**.
   I have reviewed the information held in relation to this part of your request. The Terms of Reference have previously been provided in response to your request. No additional recorded information is held regarding a separate work programme or anticipated timetable for recommendations beyond the information already disclosed. Accordingly, there is no further information to provide in response to this part of your request.
7. **The agenda, attendance list, papers, presentations, meeting note, action log and any recorded decisions from its July 2026 meeting.**
   I have reviewed the decision to withhold certain material associated with meetings of the Task and Finish Group. The information withheld includes meeting minutes, presentations and action logs relating to the ongoing development of policy proposals. Having reconsidered the information, I have determined that some information can be disclosed and have therefore released the meeting agenda. However, I am satisfied that Regulation 12(4)(d) of the Environmental Information Regulations 2004 applies to the remaining information requested, see annex A for detailed arguments and public interest tests relating to this exception.
8. **Details of the options currently being considered to replace fixed slurry closed periods, including how soil condition, rainfall forecasts, crop requirement and pollution risk would be assessed**.
   I have reviewed the original decision to withhold this information and am satisfied that the exception under Regulation 12(4)(d) of the Environmental Information Regulations 2004was correctly applied, see annex A for detailed arguments and public interest tests relating to this exception.
9. **Whether any temporary flexibility or exceptional-weather provision is being considered for autumn and winter 2026–27**. I have reviewed the information held in relation to this part of your request. No additional recorded information is held regarding any temporary flexibility measures or exceptional-weather provisions for autumn and winter 2026–27 beyond the information already provided in response to your request. Accordingly, there is no further information to provide in relation to this part of your request.

Additionally, in your complaint you requested new information regarding the expertise sought from ADAS and any associated specification or brief.
The specifications commissioning ADAS form part of the commissioning processes under the existing Agricultural and Environmental Advice (AEA) contract, which ADAS are currently delivering for WG and therefore are commercially sensitive. This information is being withheld under Regulation 12(5)(e) – Confidentiality of commercial or industrial information, see annex A for detailed arguments and public interest tests relating to this exception

Conclusion
Having completed my review, I find that additional information should be provided in respect of the expertise represented within the Task and Finish Group, the basis of selection through the Expression of Interest process and the agenda for the July meeting which I have included with this letter.

However, I uphold the original decision to withhold:

The identities of individual Task and Finish Group members under Regulation 13 of the Environmental Information Regulations 2004.
Incomplete material under Regulation 12(4)(d).

I am satisfied that those exceptions have been correctly applied.

Next steps

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.

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

Annex A – Exceptions Applied
Questions 1 and 3 (personal information)

The Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR) 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 that the names and information relating to individuals that expressed an interest in the panel is exempt from the requirement to disclose by virtue of regulation 13 of the EIRs.

Engagement of Regulation 13 (personal data) of the Environmental Information Regulations ("EIR")

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 the UK GDPR as follows:

'Personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person 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 that natural person.

I 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 EIRs 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 EIRs 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
Welsh Government recognises the inherent public interest in openness and transparency that release of this information would engender.
2. Is disclosure necessary?
Whilst disclosure of members' names would contribute to transparency, the legitimate interest can largely be met through disclosure of the organisations represented, meeting agenda and information regarding the organisations expertise, without disclosing the identities of individual attendees.
3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms
The members participated because of their professional knowledge and expertise rather than in a public-facing decision-making role. Individuals would not reasonably expect their names to be disclosed under freedom of information legislation for this purpose. Disclosure would identify individuals who participated in discussions relating to an ongoing policy-development process and could expose them to unwanted contact or scrutiny.

Having considered the competing interests, I am satisfied that the legitimate interests in disclosure do not outweigh the rights and freedoms of the individuals concerned. Disclosure would therefore be unfair and would breach Article 5(1)(a) of the UK GDPR. Regulation 13 applies and the names remain withheld.

Regulation 13 is an absolute exemption and not subject to the public interest test.

Questions 7 and 8 - Regulation 12(4)(d) – Material in the Course of Completion

The Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR) 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 that to uphold the application of Regulation 12(4)(d) to information concerning policy options that remain under development.

Engagement of Regulation 12(4)(d) Material in the course of completion of the Environmental Information Regulations ("EIR")

The work of the Task and Finish Group remains ongoing. Recommendations and policy options have not been finalised and continue to be developed. Disclosure of incomplete material could result in a misleading understanding of matters still under active consideration.

Public Interest Test

Public interest arguments in favour of disclosure

- Disclosure would promote openness and transparency in the development of environmental policy.
- Disclosure would help the public understand how Welsh Government is considering the future regulation of slurry management and agricultural pollution.
- Disclosure would support accountability for decisions that may affect farmers, land managers and the wider environment.
- Disclosure would enable public scrutiny of the evidence, discussions and emerging policy options being considered by the Task and Finish Group.
- There is a general public interest in understanding how recommendations relating to environmental protection are being developed.

Public interest arguments in favour of withholding

- The work of the Task and Finish Group remains ongoing and recommendations have not yet been finalised.
- The information consists of meeting documents that remain under consideration and have no final conclusion.
- Disclosure of incomplete information may create a misleading or inaccurate understanding of the issues being considered and the options available.
- The release of material before the completion of the group's work could prejudice the effective development of policy by undermining the ability of officials and stakeholders to consider options fully before conclusions have been reached.
- There is a public interest in ensuring that policy decisions are informed by complete evidence and fully developed recommendations rather than information that remains subject to change.
- The groups findings and recommendations will be communicated via a consultation once the process has concluded and decision have been made.

Balance of public interest test

I recognise the public interest in transparency and accountability regarding the development of environmental policy and the work of the Task and Finish Group. However, I consider that this is outweighed at the present time by the public interest in allowing the group's work to be completed before a draft discussion is released.

As the information remains incomplete and forms part of an ongoing policy-development process, I consider that disclosure at this stage could lead to misunderstanding of issues that remain under active consideration and prejudice the effective development of policy.

Additional question (ADAS Specification Brief) - Regulation 12(5)(e) - Commercial information.

The Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR) 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 that the this information should be withheld under Regulation 12(5)(e) t

Engagement of Regulation 12(5)(e) Commercial or industrial information of the Environmental Information Regulations ("EIR")

The specifications commissioning ADAS to produce supporting papers form part of the commissioning processes under the existing Agricultural and Environmental Advice (AEA) contract. I am satisfied that disclosure would adversely affect the commercial interests of both Welsh Government and the supplier by revealing commercially sensitive information which could prejudice future procurement exercises and the supplier's competitive position in the marketplace.

Public Interest Test

Public interest arguments in favour of disclosure

- Disclosure would promote transparency and accountability in the expenditure of public funds.
- Disclosure would improve public understanding of the evidence and technical expertise supporting the work of the Task and Finish Group.
- Disclosure would enable greater scrutiny of the basis on which specialist advice was commissioned.

Public interest arguments in favour of withholding

- There is a public interest in protecting legitimate commercial interests and ensuring fair competition in future procurement exercises.
- Disclosure could weaken Welsh Government's ability to obtain best value in future procurements by undermining suppliers' confidence that commercially sensitive information will remain protected.
- Disclosure may prejudice the commercial position of the supplier by revealing information relating to the delivery of specialist services.
- There is a public interest in maintaining the confidentiality of commercially sensitive information where disclosure would adversely affect legitimate economic interests.

Balance of public interest test

I recognise the public interest in transparency regarding the commissioning of specialist advice. However, having considered the circumstances of this case, I conclude that the public interest in maintaining the exception outweighs the public interest in disclosure. I am satisfied that disclosure would adversely affect legitimate commercial interests and that Regulation 12(5)(e) therefore applies.