



Llywodraeth Cymru  
Welsh Government

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Eich cyfeirnod  
Your reference

Ein cyfeirnod  
Our reference

Dyddiad  
Date

Llinell uniongyrchol  
Direct line

Ebost  
Email:

ATISN 10026

18 January 2016

Dear ,

### Request for Information - ATISN 10026

Thank you for your request which I received on 7 December 2015 about the decision not to list the Old College Buildings, Splott, Cardiff. You asked for:

- The details and analysis of the listing consultation between Cadw and the owner, the local planning authority and the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW), and the peer review carried out by Historic Scotland.

The information you requested is enclosed. Some names have been redacted under Section 40(2), (third party personal data) of the Freedom of Information Act 2000. The reason for applying this exemption is set out at Annex 1 of this document. Also, the information provided does not include any documents or correspondence that have been sent to you previously, or are already publicly available.

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: [FreedomOfInformationOfficer@wales.gsi.gov.uk](mailto:FreedomOfInformationOfficer@wales.gsi.gov.uk)

Please remember to quote the ATISN reference number above.

Mae'r Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



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

#### **LIST OF INFORMATION – ATISN 10026**

| <b>No</b> | <b>Date</b>    | <b>Description</b>                                                  | <b>Status</b> |
|-----------|----------------|---------------------------------------------------------------------|---------------|
| 1         | 2 July 2015    | Consultation reply from City of Cardiff Council.                    | Released      |
| 2         | July 2015      | Owner's response to listed building consultation.                   | Released      |
| 3         | 25 June 2015   | Structural Report submitted with owner's response.                  | Released      |
| 4-6       |                | Photographs 1-21, 22-44 & 45-66 accompanying the Structural Report. |               |
| 7&8       | 25 June 2015   | Estimate of Costs submitted with owner's response.                  | Released      |
| 9         | 27 August 2015 | Peer Review.                                                        | Released      |

## Section 40(2) – Personal Data

Section 40(2) of the Freedom of Information Act 2000 requires third party personal data to be withheld in circumstances where its disclosure would breach any of the data protection principles set out in Schedule 1 of the Data Protection Act 1998 (DPA).

We consider that disclosure of this personal data would breach the first data protection principle. The first data protection principle requires that processing of personal data must be fair and lawful and, in particular, that it should not be processed unless one of the conditions set out in Schedule 2 of the DPA is met.

In determining whether disclosure would contravene the first data protection principle, we have considered whether disclosure would amount to fair and lawful processing of those individuals' personal data. The individuals concerned do not have public facing roles. We consider that those individuals would be under the reasonable expectation that their information would remain confidential and not disclosed to the public at large. As such, we do not consider that disclosure of the redacted personal data would be fair.

Guidance from the Information Commissioner's Office (Personal information (section 40 and regulation 13) v1.0) states:

"The public authority must decide.....whether it would be fair to disclose the personal data. If the public authority concludes that it would not be fair, then it must not disclose the information in response to the FOIA request".

In this instance, because the individuals would have had no expectation that their personal data would be released into the public domain, we believe that release of this information would be unfair and so breach the first data protection principle. For that reason, the information is being withheld under section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to the public interest tests.