

06 April 2016

Dear ,

ATISN 10323 FOI Request- regarding Common Agricultural Policy

Thank you for your request which I received on 22nd March 2016 asking for details of the 2014-15 and 15-16 Common Agriculture Policy Pillar 2 payments.

I can confirm we hold some of the information you have asked for. Pillar 2 payments, like all EU payments, are based on the EU Financial year: 16 Oct to 15 Oct the following year. As such we are only part way through the 2015-16 payment year.

I have decided that the information we hold is exempt from disclosure under section 22 "information intended for future publication" of the Freedom of Information Act 2000 (FOIA) and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex 1 to this letter.

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

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 1

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
A full list of individual projects/agreements and their related costs from the Pillar 2 Programme periods, 2014/15 & 2015/16.	Section 22(1) : Information intended for Future Publication

This Annex sets out the reasons for the engagement of section 22(1) of the FOIA and our subsequent consideration of the Public Interest Test.

Engagement of section 22(1) (Information intended for Future Publication) of the FOIA

For this exemption to be engaged there needs to be a clear intention, from before the request was made, that the requested information would be published and freely available to anyone. From May 2015 details of payments made under pillar two of the Common Agricultural Policy are published annually on <http://www.cap-payments.defra.gov.uk/Default.aspx>.

To obtain the information:

Select "Payments Search" on the left hand menu.

Select year (currently only 2014 (for 2013-2014) is available) and WG as paying authority to get the relevant figures.

Selecting "details" will provide a description of what the funding was for.

The figures for 2014-15 are currently being finalised with these due for publication in May this year.

The figures for the current year (2015-16) will be published in May 2017 after they have been checked, etc.

As such there is a clear, demonstrable, intention to publish the requested information.

Public Interest Test

This exemption is a qualified exemption. That is, it is not sufficient for the exemption to be engaged for the information to be withheld but rather we need to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosure. This public interest tests places little, if any weight on any personal interest, no matter how strong or legitimate, that the requester has in obtaining the information. Rather it is the effects of placing the information into the public arena for everyone to see that needs to be taken into account.

Public interest arguments in favour of disclosure

We recognise that there is a strong public interest in making public details of projects funded through Pillar 2 of the Common Agricultural Policy to ensure transparency of the funding of the Rural Development Programme. The money provided comes from the public

purse, and it is reasonable to assume some degree of public scrutiny of how that money is used.

As a consequence, we do pro-actively publish sufficient details that allow for that public scrutiny.

Public interest arguments in favour of withholding

While we do publish basic details, it is in the public interest that the details published are accurate and correct. It is not, however, in the public interest to publish unchecked, and potentially inaccurate details as this would not allow any meaningful scrutiny for the payments, etc.

I also believe that it's in the wider public interest that all four administrations make their figures available at the same time, in the same place. This helps to avoid confusion and allows for a great comparison.

There is a relatively short period of time until the 2014/15 figures are published. I do not believe there is any advantage to the public interest of releasing the Welsh Government figures a few weeks ahead of the release of the complete figures for the UK.

The 2015-16 figures will not be published for over a year. As such, I recognise that the arguments are slightly different, as these figures will not be available for public scrutiny for some time. That said, we are only part way through the year and publication now may not bear any resemblance to the final, checked figures released next May, As an example: some projects may require further funding whilst other may require less.

Even for the 2015-16 figures I believe that the wider public interest lies in favour of checked, UK wide figures being made available at the same time, rather than being released in piecemeal, unchecked, fashion.

Balance of public interest test

On balance I believe the public interest is best served by publication of all of the UK figures, suitably checked, at the same time and in the same place to allow more meaningful comparison between years and administrations, etc. As such, I believe the public interest supports the application of the exemption at s22(1) of the FOIA.