



Eich cyf/Your ref
Ein cyf/Our ref ATISN 10019

8 March 2016

Dear

Complaint in respect of ATISN 10019

I wrote to you on 11 February regarding your complaint. I have conducted an internal review 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.

I have noted the information that you requested in your original request dated 7 December, 2015, and the response that was subsequently issued to you on 13 January, 2016.

Your request referred to proposals to develop some land neighbouring Radyr station and you asked for all information which the Welsh Government holds in relation to these proposals. Your request then cited nine questions of particular information which, for the sake of convenience, were dealt with in turn.

In relation to the information relating to question 1 of your request:

- the most recent drawings, plans and specifications relating to this project

Our response stated that whilst the Welsh Government held information of this description, it was exempt from disclosure under section 22 of the Freedom of Information Act (FoIA). The response provided a full explanation as to why we believed this exemption should apply. Having reviewed this decision, I am of the view that the information was correctly withheld and I uphold the use of this exemption to withhold the information within subset 1.



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I note that in your complaint of 7 February, 2016, you have indicated that you could not reconcile the reasons for our refusal to provide you with this information with the fact that, for subsets 4 and 7,

- information on what steps will be taken (and when) to consult with local residents in relation to this project
- the likely timescale for undertaking this project (ie, when works are expected to start, how long they will go on for, any interim phase completion target dates, etc)

We responded that no information was held for either. I have reviewed our response to questions 4 and 7 and, whilst I have concluded that the original reply of 'no information held' was correct, I consider that a further explanation would have been helpful.

The FoIA covers recorded information held at the time a request was received. It does not oblige a public authority to source information from a third party or to create new information in order to answer a request. This is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information', page 7:

"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."

Although the response to the first subset stated that there is a commitment to consult, other than that no further plans or decisions have been made on when or how it will take place; there is no recorded information regarding this that is held by the Welsh Government.

In relation to subset 2:

- information on what steps have been and will be taken to assess the impact of the project on traffic in the vicinity of the station

I note that our response stated that we did not hold information of that description. In your complaint, you state that on 18 November 2015 there were temporary cameras set up pointing at the roundabout by the station and these were in place for a couple of days. You have asked if the Welsh Government was aware of these and whether these were anything to do with the assessment of traffic in connection with the proposed redevelopment. I have reviewed the matter and can confirm that in relation to the scheme, traffic surveys are being completed by consultants in the area around the station including the 18th November, 2015. The surveys were undertaken by our project consultants therefore at the time of your original request we did not hold any recorded information relating to the surveys. I can confirm that these results will be made available at the upcoming public exhibition. I therefore do not uphold your complaint in relation to question 2 and trust that this response satisfies your original request.

In relation to question 5:

- any correspondence between the Welsh Government and Network Rail (or its agents or sub-contractors) regarding this project

I note that whilst it was confirmed that the Welsh Government held information of that description, it was partly exempt from release under s43 of the FoIA (Commercial interests). Your complaint has not challenged our application of this exemption and so I have not reviewed it. Rather, you have stated that you are “*not interested in any financial information or anything commercially sensitive to Network Rail.*” And have confirmed that (you are) “*interested in the physical proposals to Radyr station and its vicinity. For example, communications between the Government and Network Rail relating to how many bike parking spaces are proposed, or what security measures will be put in place around the car park, or steps they will take to assess any impact on traffic, are all issues which are not of a commercially sensitive nature*”.

Having reviewed the information that the Welsh Government holds, I am content that our original response was appropriate. Whilst discussions on the above have taken place, I can confirm that the Welsh Government does not hold any correspondence with Network Rail regarding the physical proposals. Information relating to physical proposals will be released during the public information day of which the date is due to be announced shortly. As all correspondence captured by question 5 has been released (excepting that which was withheld under s43), I therefore do not uphold your complaint on this question.

In relation to question 8:

- details of any financial contributions being made by the Welsh Government to this project

I note that our response advised that we did not hold that information. Having considered further I consider the question was answered correctly, but it might have been useful to provide some information to clarify. The potential new car park is being developed alongside a number of other station developments. Together, all the developments form the ‘Metro Station Improvement Programme’ the schemes in the programme share the same agent, designer and contract with Network Rail for all the schemes in the programme. The request asked for financial information relating to one element of one scheme within the programme. The figures held at the time were not broken down by different parts of different schemes. As I have previously explained, freedom of information requests are limited to recorded information held, at the time of the request.

Similarly, I note that our response to your question 9:

- the contact details of the person or team that local resident potentially affected by the project can contact for any queries or feedback.

Stated that we did not hold this information. Having considered further I do not consider that this question was answered correctly and contact details for Matthew Nobbs, Rail Project Manager should have been supplied. His email address is as follows - matthew.nobbs@wales.gsi.gov.uk. Again I trust this satisfies your original request regarding contact details for queries and or feedback.

In response to the preliminary point of your complaint that your original request was for *'all information which the Welsh Government holds in relation to these proposals, including but not limited to the numbered list of questions'*. I have completed further searches and confirm that at the time of your original request we had released all the information that we hold in relation to the project apart from that which we originally withheld under sections 22 and 43 of the FoIA in our reply of 13 January.

To conclude, I do uphold your complaint in part. I believe that some questions were answered incorrectly and for some a better explanation would have been more satisfactory for the reasons already explained to you and elaborated upon above.

If you remain dissatisfied with the above response regarding your Freedom of Information request, 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.

I trust the above provides you with a clearer explanation of our position on this matter.

Yours sincerely

Simon Jones
Director - Transport