



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 10603

Date: 20 September 2016

Dear ,

Request for Information – ATISN reference 10603 – internal review outcome

Thank you for your email which was received on 19 August in which you asked for a review following our disclosure to you under our reference ATISN 10603. I have set out at Annex 1 to this letter, my response to each of the points you raised in respect of your request for a review.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745

Fax: 01625 524 510

Email: casework@ico.gsi.gov.uk

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)

Email: ask@ombudsman-wales.org.uk

Yours sincerely



BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

Parc Cathays • Cathays Park
Caerdydd • Cardiff
CF10 3NQ

CentralDepartments-FOI/DP@wales.gsi.gov.uk
Gwefan • website: www.cymru.gov.uk

Annex 1 – review points and response

1. There is no weighing of a public interest determination in the response.

Response: Section 12(1) of the Freedom of Information Act 2000 (FOIA) allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit. The Welsh Government's original response to your request (19 August 2016) set out why we believe it would take longer than 24 hours to locate, retrieve and extract the information requested. Whilst this response should have made it clear that section 12(1) was being applied, I can confirm that this provision is not subject to the public interest test and so there is no public interest to be weighed. **Complaint Not Upheld.**

2. I would add that you have not complied with S 16 and provided help and advice as to how I might narrow my request - since I cannot possibly know the WG filing system as a member of the public.

Response: I apologise that further help and advice was not provided to you as to how you might narrow your request. Your original request did contain a clarified request that is addressed below. It is difficult to envisage how this request could be further narrowed, however you may wish to submit a refined request taking into consideration the information previously supplied to you regarding the appropriate limit. **Complaint Partially Upheld**

3. If the previous clarified narrowed request is not narrow enough, I wish to read the receipt for Victoria's Secret and any other receipts which have been deemed to be not complying with the criteria set for the use of WG cards. Those receipts that have been presented to the WG but have either been claimed and then repaid, or those that have had to be refused by the WG. These should readily be to hand - as they have been disputed claims.

Response: The Victoria's Secret transaction was fraudulent and was flagged by the Welsh Government's procurement card provider and did not involve a Welsh Government employee. Therefore the Welsh Government does not hold any receipts in respect of this transaction.

In respect of the other receipts I refer to my response outlined above in point one. The previous clarification does not narrow the request and therefore the burden remains the same. To undertake this exercise would cost more than the appropriate limit established in the Freedom of Information and Data protection (Appropriate Fees Limits and Fees) Regulations 2004 and would be refused under section 12(1) of the Freedom of Information Act. **Complaint Not Upheld**

4. If any of the receipts are for any time before April 2015, then clearly there is no need to retain them for the current financial year's audited accounts, as they will already have been audited.
https://ico.org.uk/media/action-weve-taken/decision-notice/2012/767538/fs_50442125.pdf

Response: As previously stated in the Welsh Government's correspondence dated 19 August 2016 (reference ATISN10603) the Welsh Government are unable to release original procurement card receipts as they are master records which need to be retained for to comply with HMRC and audit regulations. The retention period is currently a minimum of six years. To make copies of the requested documentation would exceed the appropriate limit under section 12(1) for the reasons set out in our original response and outlined above. **Complaint Not Upheld**