



Ein cvf/Our ref ATISN 10527

6 September 2016

Dear ,

Complaint in respect of Request for Information – reference ATISN 10527

I wrote to you on 11 August regarding your request for an internal review. 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 note in your original request you asked for statistical information relating to congestion on the M4 from the Severn Bridge to Cardiff. In our response dated 20 July, we replied that the statistical information relating to congestion on the M4 from the Severn Bridge to Cardiff is exempt from disclosure under Section 22 of the FOI Act, information intended for future publication. Full reasoning for applying the exemption was supplied. In your email complaint of 8 August you requested an internal review of this decision.

Section 22 states that *Information is exempt information if –*

- a) *The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)***
- b) *The information was already held with a view to such publication at the time the request for information was made, and***
- c) *It is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph a).***

I have reviewed your request and have concluded that the original response provided was indeed correct. Considering paragraphs a) and b) above, as was explained in the response of 20 July we have confirmed that the data is held with a view to publish an analysis of the data in relation to congestion in Autumn 2016 therefore satisfying



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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.

paragraphs a) and b). However, currently no analysis of congestion exists, and therefore is not able to be released.

Considering paragraph c), it states that it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph a). The information you have requested if disclosed would be made available to anybody and everybody, as every reply to a request for information is published on our website. It would not be reasonable or acceptable in any circumstance to publish data on our website that may not be accurate. It is vital that a thorough validation process has been conducted to confirm the quality and integrity of our data and not to confuse or mislead the public by publishing information that may have to be corrected at a later date. I understand your frustration in the time taken for the publication of this information but believe the public interest is best served by withholding the information at this time for the reasons given above and in our original response dated 20 July.

Our original 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 using this exemption. Your complaint therefore is not upheld.

Regarding your other comments about the Welsh Government's handling of your request, I can confirm that any request that captures recorded information falls within the remit of the Freedom of Information Act regardless of whether a requester cites the Act or not. Because of this, as we are unable to release the information requested, the only way it could be legally withheld was by reference to one of the exemptions contained within the Act.

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

Simon Jones - Director Transport and ICT Infrastructure