



Llywodraeth Cymru
Welsh Government

1st March 2017

Dear ,

ATISN 11065 Sport Wales Assurance Review

Thank you for your request which was received on 3rd February. You asked for:

- 1. Copies of all written evidence submitted to the review between the 22nd of November 2016 and the 31st of January 2017.*
- 2. Copies of all interview transcripts compiled as part of the review process between the 22nd of November and the 31st of January 2017.*

I have estimated that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer your request. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it.

In certain circumstances, The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows a public authority to aggregate requests for the purposes of calculating the appropriate limit where they are made

a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

Where they are, the Regulations state that the estimated cost of complying with *any* of the requests is to be taken to be the total costs of complying with all of them. This applies in circumstances in which—

(a) the two or more requests relate, to any extent, to the same or similar information, and

(b) those requests are received by the public authority within any period of sixty consecutive working days.

On November 28 2016, the Welsh Government received a request from BBC Wales for:

All correspondence sent during 2016 by Welsh Government officials and/or ministers to Sport Wales officials, board members and/or the board as a whole regarding governance matters during 2016. Please include the full correspondence – i.e. not simply the section that discusses governance.

All correspondence sent during 2016 sent by Sport Wales officials, board members and/or the board as a whole, to Welsh Government officials and/or ministers regarding the same point.

This was handled as ATISN 10950 and we notified the requester that the request would likely to be refused on the grounds that complying with it would exceed the appropriate limit. This is because the request is wide ranging given the reference to “governance matters”. The nature of our relationship with Sport Wales, as a Welsh Government Sponsored Body, is to ensure good governance and therefore we hold a wide range of related files. Officials undertook a sample trawl of relevant information which identified 2,000 items which would need to be interrogated to see if they contained information relevant to the request. On this basis we calculated:

2,000 items at 2 minutes scrutiny per item = 4,000 minutes divide by 60 = approx. 66 hours @ £25 per hour = £1,650

This is in excess of the “appropriate limit” which is set at 24 hours or £600.

In terms of your own request, we believe that the criteria set out above can be satisfied so as to allow us to aggregate the requests for the purposes of the appropriate limit.

Further, the Welsh Government has also received two further requests from BBC Wales since November 28 2016 that have asked for:

A copy of the “assurance review” referred to by the Minister

Copies of the formal complaints received by the Welsh Government referred to by the Minister

and:

All communication, written and verbal, received by the Welsh Government regarding Paul Thomas’ appointment as chairman of Sport Wales received between 1 February 2016 and 30 April 2016.

We believe that all four of these requests meet the criteria for amalgamation in that:

1. The requests meet the criteria of relating ‘to any extent’ to the same or similar information
2. They were received within a period of sixty consecutive working days, and
3. They appear to have been made by different persons who appear to be acting in concert.

Regarding point 3 above, the Welsh Government notes that the three later requests were sent by different officials at BBC Wales following a response to an initial request from BBC Wales that we believed would likely exceed the appropriate limit.

In their Decision Notice FS50197355, the Information Commissioner stated:

“The Commissioner is of the view that it is reasonable for the (public authority) to be of the opinion that the requesters are acting in concert or in pursuance of a campaign and that this satisfies the regulation which merely requires the appearance of acting in concert or in pursuance of a campaign to the public authority rather than any strict evidential proof”

I can confirm that it’s the Welsh Government’s opinion that the four requests have the appearance of individuals acting in concert. For that reason, we have amalgamated the cost of complying with your request with both ATISN 10950 (compliance with which we believe would exceed the appropriate limit on its own) and the two other subsequent requests. On that basis, your request has been refused under s12 of the Freedom of Information Act on the grounds that compliance with it would exceed the appropriate limit.

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