



Ein cyf/Our ref ATISN 11157

Llywodraeth Cymru  
Welsh Government

6 June 2017

Dear ,

### **Request for Information – ATISN 11157**

I wrote to you on 25 April 2017 regarding your complaint which we received on 19 April, 2017. I also note your further e-mail of 23 May, 2017. 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.

In the first instance, I will address the timeliness of our response to your request. I note in your letter of 5 March to Mr Mark Emmett that you enclosed a copy of your correspondence of 13 February 2017 addressed to Transport Wales at the Welsh Government offices in Cathays Park. In your complaint of 17 April, you stated that you have a Post Office Special Delivery receipt which confirms your correspondence of 13 February 2017 was received at Cathays Park on 17 February, 2017.

I can confirm that Officials are unable to trace your correspondence of 13 February. We were only made aware of the correspondence following your discussions and subsequent e-mail to Mr Emmett on 5 March, which we received on 6 March. On that basis, the statutory deadline for responding to your request was 31 March. You were provided with a response 8 working days after that date, on 12 April. I can only reiterate the apologies already provided to you regarding the delay in providing you with that response.



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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.

Turning, then, to the questions you asked on page 23 of your 31 page letter, that is your original request for information, directed at 'Transport Wales'.

I have reviewed your request, the response you received and the comments you have made in your complaint.

In the first instance, I note that you asked a total of 21 questions. Having reviewed those questions, I have concluded that only 3 of them were, in fact, valid Freedom of Information requests, namely questions 2, 10 and 11. The Freedom of Information Act provides a right to ask for recorded information held at the time a request is made. It does not require an authority such as the Welsh Government to provide views or opinions where those views are not already recorded. 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."*

On that basis, although you labelled each of your questions as 'FOI requests', the Act does not oblige us to 'explain' or 'confirm' thinking etc. except insofar as such information is held in recorded form at the time the request was made. For the purposes of all of your questions, except 2, 10 and 11, I can confirm that no recorded information was held and that the responses you received were in order to be of assistance to you with your enquiries. For that reason, I am not reviewing the responses with which you were provided for any questions except 2, 10 and 11.

I will now address the responses we provided to questions 2, 10 and 11.

For question 2, the recorded information you asked for was how long the temporary speed limit persisted into the night of 1 December 2016. Our response confirmed that "the 50 mph setting remained in force from 18.00 until 21.49". I can confirm this is the only recorded information we hold. In your complaint, you also asked for the weather reports received by the Control Centre Operators. I can confirm we do not hold weather reports.

For question 10, you asked for "a copy of the guidelines that govern the display of the national speed limit symbol on illuminated signs". I can confirm that the guidelines we adhere to are as indicated in the response you received, namely Sections 64 and 65 of the Road Traffic Regulation Act 1984. I have concluded that this information should have been exempt under Section 21 of the Freedom of Information Act 2000, information otherwise reasonably available. The information is available to view at <http://www.legislation.gov.uk/ukpga/1984/27/contents>. In addition, we also hold a letter of authorisation from the Deputy Director, Network Management dated 13 July 2016. I have concluded this letter should have been provided to you in our response. The letter is enclosed.

For question 11, you asked for "a copy of the guidelines for the setting of temporary speed limits". We do not hold guidelines as such, but rather a set of office instructions which are used by the Traffic Control Centre. These guidelines should have been

provided to you in our response. Please accept our apologies for not doing so. The relevant guidelines are enclosed.

To conclude, I do not uphold your complaint for question 2, I uphold your complaint in part for question 10 and uphold your complaint in full for question 11, for the reasons outlined above.

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

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](mailto: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](mailto:ask@ombudsman-wales.org.uk)

Yours sincerely

**Simon Jones**  
Director Transport and ICT Infrastructure