



Llywodraeth Cymru
Welsh Government

30 November 2017

Dear ,

Review of ATISN 11605 and new request ATISN 11707

ATISN 11605

Thank you for your request, which I received on 5th November 2017, to review our response to ATISN 11605. In that request you asked for:

- The NVQ Level 3 Qualifications that were offered to ReAct Participants and Torfaen Training Participants who attended Coleg Qs in 2010 to 2015, including the course name and QCF number.

I have reviewed your request and our response and I have concluded that the appropriate time limit would be exceeded. The amount of work required to comply with your request has been set out in the response letter and I have concluded that the work required in that description is accurate.

That said, and taking into account the reasoning set out in your letter of 5 November, I believe that the request should have been refused under section 14(1) of the Freedom of Information Act (FOIA) on the grounds that it is considered vexatious.

The approach of the Information Commissioner (IC) towards vexatious requests is set out in their guidance titled "Dealing with vexatious requests". In this the IC sets out a number of conditions that can indicate whether a request



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may be vexatious. I believe that the following factors support the case that the request is vexatious:

Burden - The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply.

- As was set out in our original response to this request, complying with it would 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 Fees Regulation also allows public authorities to aggregate requests from an individual where there is a clear connection between the requests. You have submitted eight FoI requests since June this year and at least as many other enquiries seeking further information and explanations;
- The result of this is that over fifty hours has already been spent on handling your correspondence, taking staff away from their normal duties and delaying work on other matters.

Unreasonable persistence – The requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority.

- At your request the Welsh Government Whistle Blowing panel reviewed your case in 2015. The Welsh Government closed this investigation in September 2015. A number of monitoring visits have also been conducted at Coleg Qs regarding your complaint since you brought it to our attention in 2011. You have received copies of these reports.

Scattergun approach - The request seems to have been designed for the purpose of 'fishing' for information without any idea of what might be captured by the request and without thought as to whether it would provide what was being looked for.

- In your request to review our response to ATISN 11605 you state that you required the information as you are trying to identify whether the Welsh Government was aware of the "new" qualification in 2013. A simple question either asking that very question or requesting the date the Welsh Government was first informed of the "new" qualification would have been sufficient to obtain the information you now say it is you want. The vast majority of the information captured by your request would not provide you with what you were seeking.



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A frequent or overlapping request - The requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries.

- Since June you have submitted at least ten pieces of correspondence on this matter, including eight valid FoI requests and this request for an internal review. Much of the correspondence overlaps with previously submitted enquiries before we have had the opportunity to respond. Much of this correspondence goes over the same issues that have previously been covered.

Taking these factors into account I believe that this request is vexatious and, as such, we are refusing to comply with it.

If you are dissatisfied with the Welsh Government's handling of your request, you have the right to complain to the Information Commissioner.

ATISN 11707

From your request for an internal review and subsequent correspondence dated 15 November, we have identified two valid FoI requests.

On 5 November, we would suggest that you are seeking:

The date that we were first aware that Coleg Qs were offering the "new" EAL Electro Technical Services NVQ Level 3 QCF 501/1605/ 8 qualification.

- We were first informed of this qualification in September 2013.

On 15 November you appear to be asking for:

Copies of records of phone calls with the EAL awarding body

- The Welsh Government doesn't record telephone conversations nor do we hold a log of calls made to and from the Welsh Government. .

Regarding additional points you have raised:

You requested that your file is not destroyed: I can confirm that your file is held in line with our European programme document retention policy. This means that your file cannot be destroyed before the European Commission's



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review which will not take place earlier than 2030. This will remain the case once the UK has exited the European Union. Your file is held by the Welsh Government's Programme Delivery Team.

Yours sincerely,



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