Ein cyf/Our ref ATISN 12099

Llywodraeth Cymru
Welsh Government

14 March 2018

Dear ,

Request for Information – ATISN 12099

I wrote to you on 27 February regarding your request for information which you sent to the Cabinet Secretary for Economy and Transport on 18 February. The questions you asked were:

1. Could you please give the job title of the Welsh Government officials who were involved in discussions regarding new TrawsCymru routes in North Wales?

2. Could you please give the job title and organisation of the other parties, notably Local Councils, who were involved in discussions regarding new TrawsCymru routes in North Wales?

3. Could you please tell me the new TrawsCymru route(s) that were discussed, i.e. start and end destination of the route(s)?

4. Could you please tell me when the last discussions took place regarding new TrawsCymru routes in North Wales?

5. Could you please tell me what documentation (meeting notes, meeting minutes, reports, emails etc) the Welsh Government holds regarding discussions regarding new TrawsCymru routes in North Wales?

6. Could you please tell me what the next stage will be following the discussions regarding new TrawsCymru routes in North Wales?

7. Could you please tell me whether the “high level” review to route the T3 from Wrexham to Aberystwyth rather than Barmouth (Reference KS03829/17) has been included in the discussions regarding new TrawsCymru routes in North Wales?

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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 .

8. If the answer to (7) is “no” could you please tell me when the “high level” review to route the T3 from Wrexham to Aberystwyth rather than Barmouth will take place?

9. Could you please tell me whether the Welsh Government strategy (page 49 paragraph 4.5) regarding improving reliability and journey times on the T2/T1 route from Bangor to Carmarthen was included in discussions regarding new TrawsCymru routes in North Wales?

10. If the answer to (9) is “no” could you please tell me when the Welsh Government intend to take action to meet the Welsh Government strategy (page 49 paragraph 4.5) regarding improving reliability and journey times on the T2/T1 route from Bangor to Carmarthen?

For the reasons explained below, and in accordance with Section 14(1) of the Freedom of Information Act 2000 (FOIA), I have concluded that your request is vexatious.

Guidance from the Information Commissioner on vexatious or repeated requests[1] explains that “Section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress”. My view is that dealing with this request would be likely to cause a disproportionate and unjustified level of disruption to the Welsh Government.

For the purpose of identifying potentially vexatious requests, the Information Commissioner’s Guidance sets out a series of indicators (albeit not a definitive or limiting list) which demonstrate typical key features of a vexatious request. The Guidance also allows public authorities to take into account the wider context and history of the request.

In reaching my decision that I consider your request to be vexatious, and in accordance with the Information Commissioner’s Guidance, I have taken into account the wider context and history of your request. In particular, I have given consideration to the following headings/indicators within the Guidance:

- Abusive or aggressive language
- Personal grudges
- Unreasonable persistence
- Unfounded accusations
- Intransigence
- Frequent or overlapping requests

I have outlined below my full reasoning for reaching this decision under the relevant indicator descriptors taken from the Information Commissioner’s Guidance. There is a natural overlap between some of the arguments. There is some further overlap with my response to you of 19 February 2018 in relation to your requests reference ATISN 11954, ATISN 12006 and ATISN 12050. The decision has been based on the cumulative argument

[1] http://www.ico.org.uk/for_organisations/guidance_index/freedom_of_information_and_environmental_information

In your e-mail of 28 November, 2017, you summarised your discontent regarding the TrawsCymru bus services:

"All Ken Skates needs to do is:-

1. *Insist his Trawscymru Network Manager, [named official] restores connectivity of the T2/T1 in Aberystwyth at 18.40 which he has ruined by a 15 minute change to the T2 departure time in Dolgellau.*

2. *Apologise to the Welsh Assembly for the incorrect statement he made on 15th August 2017 (WAQ74049) regarding the Trawscymru network.*

3. *Apologise to the Welsh Assembly for Welsh Government officials not carrying out the one recommendation regarding the Trawscymru network in the Bevan Foundation report in 2013 to examine routing the T3 from Wrexham to Aberystwyth.*

4. *Ensure the "high level" review on routing the T3 from Wrexham to Aberystwyth is carried out using the report recommendation "recommend that further work be done in advance of the introduction of the proposed T3 service on the feasibility of its operation to Aberystwyth rather than Barmouth".*

5. *Ensure the "high level" review on routing the T3 from Wrexham to Aberystwyth is overseen by someone independent of his own officials who have proved to be incapable of not lying".*

Abusive or Aggressive Language

I am of the view that the tone of your frequent correspondence goes beyond the level of criticism that employees of a public authority should reasonably expect to receive. For example, you have stated that *"Government Advisors and Officials know they are allowed to lie and make incorrect statements with impunity and follow their own strategies rather than the Welsh Government strategies".* You have frequently brandished Welsh Government employees and Welsh Ministers as liars and questioned their behaviour. You have repeated these statements in your most recent correspondence to the Welsh Government.

Personal Grudges

The guidance under this indicator states that '*For whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity'.* You have referenced one particular Welsh Government official in almost every piece of correspondence you have submitted to the Welsh Government, branding that individual a liar. In doing so, you are submitting that correspondence to a varied and wide audience. Whilst you have not named that individual with this particular request for information, you have inferred reference within your first question. You have also continued to name the individual in other correspondence you have sent to the Welsh Government, copied to a wide audience, such as your e-mail of 7 March, 2018. It is clear to me, therefore, that you are targeting your correspondence towards a particular employee of the Welsh

Government in a hostile manner in order to incite a response from the numerous and varied copy recipients.

Unreasonable persistence

I believe that in submitting your requests, there is evidence of unreasonable persistence on your part in that you are attempting to reopen an issue on which you have already received responses or which has been subject to independent scrutiny, through Dr Winckler's review of TrawsCymru commissioned by Welsh Ministers, which reported in August 2013. As outlined above, it has previously been explained to you that in the absence of any new information from you, the Welsh Government will not be responding to further correspondence from you on the TrawsCymru bus services, unless you are asking for recorded information. Whilst you have framed your latest request as being regarding new TrawsCymru routes, I am of the view that you are attempting to reopen issues, as you summarised on 28 November 2017, which have been exhaustively addressed and considered.

Unfounded Accusations

As outlined above, you have frequently labelled Welsh Government employees and Ministers as liars. Such accusations are based entirely on your own assumptions or conclusions. Where you have asked for recorded information which have been responded to as Freedom of Information requests, for example about meetings with local authorities, and have received a response which states no such recorded information is held, that will be a matter of fact. Where meetings about particular subject matters may have been held, it does not necessarily follow that there will be a record of those discussions. This was explained to you in response to your request reference ATISN 11754, which we sent you on 20 December 2017. You are repeating those assumptions and accusations in this latest request where you are suggesting some routes are being favoured over others based on their geographical location.

Intransigence

Welsh Government Officials, Welsh Ministers and Bus Users Cymru have corresponded with you numerous times regarding various matters you raise on TrawsCymru bus services. The Welsh Government has also offered to meet you to discuss your various concerns regarding the TrawsCymru bus services, including a meeting with Bus Users Cymru and the Deputy Director of Network Management. You have declined those offers of meetings.

In your e-mail of 31 July 2017 to the Cabinet Secretary for Economy and Transport, you stated *"Before I would take part in any meeting I would wish to have recorded before the meeting the facts relating to the T2/T1 service and whether [named official] agrees or disagrees with these facts. This could be used as a basis for any discussions at a meeting. I enclose the list of facts relating to this service and would be grateful if you could ask [named official] to signify whether he agrees/disagrees with these facts".* I am of the view, therefore, that in not accepting the offer to meet unless your conditions to do so are adhered to, you are unwilling to engage with the Welsh Government.

Frequent or overlapping requests

Your have submitted a high number of correspondence items, to both Welsh Ministers and Welsh Government employees, regarding the TrawsCymru bus services. Since April 2016, you have submitted 15 Freedom of Information requests on the TrawsCymru bus services. In the last 3 months alone, you have submitted at least 24 pieces of correspondence to Welsh Ministers on the TrawsCymru bus services. In addition, your correspondence often overlaps before Officials have had opportunity to consider and address your earlier enquiries. With each piece of correspondence, I am of the view that your intention is to re-examine and re-open issues, as you have summarised on 28 November 2017, that have already been considered and addressed.

To conclude, as evidenced above, I believe your latest requests are vexatious in accordance with Section 14(1) of the Freedom of Information Act 2000 (FOIA).

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 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