



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ATISN 11774

22 March 2018

Dear ,

Request for Information – ATISN 11774

I wrote to you on 8 March regarding your e-mail of complaint of 28 February, which we received on 7 March, in relation to the response you received to your Freedom of Information request.

I have conducted an internal review of your request 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 that you asked for a copy of the Blue Badge Toolkit and associated documents and that on 14 December, 2017 the majority of the information was released to you. The Toolkit's scoring matrix, however, was considered exempt under Section 31(1)(a) of the Freedom of Information Act 2000, the prevention or detection of crime.

I have considered your original request, the response you received and your subsequent complaint.

As you are aware, the Section 31(1)(a) exemption is - subject to the public interest test - applicable where disclosure of information would, or would be likely to, prejudice the prevention or detection of crime. I note that the circumstances in which the exemption has been applied in this case are directly comparable with those outlined in a Decision Notice (ref: FS50434032) issued by the Information Commissioner in respect of the Whittington Hospital NHS Trust available at: https://ico.org.uk/media/action-veve-taken/decision-notice/2012/743724/fs_50434032.pdf The Decision Notice explains that the Whittington Hospital NHS Trust also withheld the detailed scoring system used



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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 .

in assessing Blue Badge applications under the Section 31(1)(a) exemption which the Information Commissioner upheld.

I agree that disclosure of the detailed scoring system used when assessing Blue Badge applications would be likely to lead to abuse of the Blue Badge scheme by those who would be prepared to use fraud and/deception to meet the eligibility criteria. As is acknowledged in the aforementioned Decision Notice, disclosure of the scoring criteria would make it very easy for an individual to acquire relevant aids and/or control performance to result in it being worse than a predetermined level. If this was the consequence, a Blue Badge would be acquired by deception with individuals engaging in behaviour of a criminal nature.

As outlined in our letter of 14 December 2017, there are public interest arguments in favour of disclosing the withheld information. However, I believe these are outweighed by the strong public interest in preventing the prejudice to the prevention of crime which would be likely to occur from disclosure. Consequently, I have decided that the scoring matrix should continue to be withheld from disclosure.

I understand that my decision will be disappointing to you and I would like to assure you that it has been taken to ensure that the process for making decisions about Blue Badge entitlement is administered as fairly as possible for applicants and to ensure that associated entitlements provided for Blue Badge holders are provided where we can all have confidence that there is a justifiable need. Our views on disclosure have been formed in the light of the experience in Wales following full publication of the first iteration of the Toolkit. Local authorities provided examples during discussions of applicants who tailored their activities to fit the criteria and were subsequently exposed as having done so.

The Toolkit and application form are designed so that applicants provide all the relevant information to support their application. In particular, the questions - developed with occupational therapists - are designed to prompt applicants to provide as much evidence as possible. These questions are in the public domain. It has been recognised by the Welsh Government and local authorities that some applicants are reluctant to fully disclose their difficulties and consequently all efforts are made to assist applicants. Therefore, we believe that the information in the public domain - along with the support provided - enables fair access to Blue Badges.

To conclude, I do not uphold your complaint and 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

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, Economic Infrastructure