

4 September 2019

Dear,

ATISN 13443 Fishing and the Welsh language

Thank you for your request for information, received on 4th September, about our fishing gear policy and the Welsh language.

We have already answered your question about when your fishing equipment was seized in our letter to you dated 27th September.

In addition, you asked the following:

- a) Whether we have a specific policy for possession of fishing gear we believe has not been marked to our requirements
- b) The percentage of the operational officers who deal with fishers in North Wales, including the crew of the FPV Lady Megan and the FPV Siwan, who can speak Welsh and their names, jobs and level of understanding of the Welsh language.
- c) Our language policy on sending correspondence for the first time to a stakeholder or a customer
- d) Our custom on sharing the details of a person who has made a complaint out to anyone.

I have determined that some of the information is exempt from the disclosure requirements under section 40 (2) of the Freedom of Information Act, and must therefore be withheld. The reasons for implementing these exemptions are set out in full in my answers to your questions below:

- a) The Welsh Government Marine & Fisheries Division are responsible for enforcing fisheries regulations within the Welsh Zone. To ensure compliance with the regulations in place, Marine Enforcement Officers have a range of options when dealing with illegal activity and will take appropriate enforcement action on a case by case basis.

Active fishing gear, which has been set contrary to the rules in place, is illegal, and should not be allowed to continue to fish. When this gear is encountered, it is likely to be seized and the owners, if identified, may be prosecuted for illegal fishing. Unmarked fishing gear is one of the most reported illegal activities reported to the Welsh Government by both commercial fishermen and users of the sea and we take the matter seriously.

- b) 40% of the operational officers who deal with fishers in the field in North Wales, including the crew of the Lady Megan FPV and FPV Siwan, are Welsh speakers. With regard to their level of understanding of in Welsh, we do not hold this

specific information. The Welsh Government's Welsh Language Standards Division publishes an annual report which outlines the level of ability of staff in Welsh across the organisation as a whole. Please follow this link to read the most recent issue: <https://llyw.cymru/adroddiad-blynyddol-safonaur-gymraeg-2018-2019>. According to section 40 (2) of the FOA Act, we do not have to disclose the names of staff members as this is personal information and violates GDPR rules.

Under section 40 (2) of the Freedom of Information Act, personal data shall be exempt from release if disclosure of the information would violate one of the data protection principles set out in article 5 of the General Data Protection Regulations (GDPR). We consider the most relevant principle in this case is the first;

That personal data will:

a) be processed lawfully, fairly and in a transparent manner in relation to individuals

In this case, we believe the individuals who the data is about have no expectation that their personal information would be made public as they are not senior civil servants or have chosen a public role.

- c) Our language policy, for sending correspondence for the first time to a stakeholder or customer who we do not know their preferred language, is to write bilingually, in accordance with Welsh Language Standards. Sending this letter to you in English only was contrary to our usual processes in Welsh Government. We have now made a record of your preferred language and will correspond with you in Welsh from now on. The relevant team have also been reminded of the requirements of the Welsh Language Standards in order to ensure this is not repeated.
- d) Information submitted to the Welsh Government will be treated in confidence, vetted and recorded. The normal practice is for the data to be anonymised before being disseminated to the relevant teams. There may be occasions where contact names and numbers are shared with relevant internal enforcement teams on a need to know basis. It would not be normal practice to share this information outside of Welsh Government.

If you are dissatisfied with the way in which your application has been handled by the Welsh government, you may request an internal review within 40 working days from the date of this reply. A request for internal review should be sent to the Welsh government's freedom of Information officer by post to the following address:

Information Rights Unit, Welsh government, Cathays Park, Cardiff, CF10 3NQ

or by emailing freedomofinformation@gov.wales

Please note the ATISN reference above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at the following address:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

However, you should note the Commissioner does not normally investigate a complaint until it has been through our internal review process.

Yours sincerely,