



Ein cyf/Our ref: ATISN 18676

Llywodraeth Cymru  
Welsh Government

31 July 2023

Dear ,

### **Request for Information - ATISN 18676**

Thank you for your refined request for information which I received on 6 July, and your clarification, which I received on 21 July. You have asked for the following information:

Information on compensation paid to claimants relating to section 4 and 5 of A465 Head of the Valleys project. You requested a breakdown the information to include detail on injurious severance and value of Compulsory Purchase orders. In other words. What agreements have been made with claimants and what are the values, broken down in terms of how the compensation was allocated and calculated.

We have interpreted this request to be financial compensatory information regarding payments to individuals in the above work.

I have decided that this information is exempt under section 41 of the Freedom of Information Act (Information Provided in Confidence) and is therefore withheld.

### **Next steps**

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,



Llywodraeth Cymru /  
Welsh Government  
Parc Cathays / Cathays  
Park  
CF10 3NQ

FOI.ETCC@gov.wales

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.

Cathays Park,  
Cardiff,  
CF10 3NQ

or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales)

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

## **Annex A**

### **Application of exemptions/exceptions**

The Freedom of information Act/Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the requested information.

This Annex sets out the reasons for the engagement of section 41 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

### **Section 41 – Information Provided in Confidence**

This applies to all of the information identified as confidential or commercially sensitive and thus to the minutes and information captured in points 2 and 4 of this request.

Section 41 sets out an exemption from the right to know where the information requested was provided to the public authority in confidence and disclosure of the information would give rise to an actionable breach of confidence.

Section 41 states that:

*(1) Information is exempt information if—*

- (a) it was obtained by the public authority from any other person (including another public authority), and*
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

We and the District Valuer Service (DVS), are unable to release personal information (such as the compensation paid to a claimant) without the consent of the landowner. To do so would constitute an actionable breach of confidence owing to confidentiality clauses in the settlements. Whilst the DVS can discuss percentage evidence with a claimant or their agent, they do not release detailed content of each claim agreed, and to do so would be an actionable breach of confidence that would be likely to be litigated and to succeed.

### **Public Interest Test For Disclosure**

The Welsh Government recognises the public interest in openness and transparency within government, particularly in terms of ensuring an accountable government.

There is a public interest in furthering understanding of and allowing participation in issues of the day.

### **Public Interest Against Disclosure**

Disclosure of this information would potentially damage the information rights of those identified and their commercial interests, and release of the information would constitute an actionable breach that would damage public trust in government, and also create costs to the public purse. This is not in the public interest.

I therefore find that the public interest favours withholding this information.