



Llywodraeth Cymru
Welsh Government

2 October 2023

Dear _____,

ATISN 18903, 18915 and 18977 – 20mph Speed Limits

Thank you for your requests which we received on 4 September, 5 September and 13 September respectively.

You asked for:

ATISN 18903

1. Confirm the method and consultation of the proposed '20mph' default speed limit in Wales.
2. Provide following evidence in word document, excel or pdf format:
 - Evidence and documentation of communication with DVSA and DfT.
 - Evidence and documentation of communications sent to Assembly Members and Welsh Voters.
 - Evidence and documentation of '20 being plenty'.
 - Evidence and documentation of a wider impact assessment of Welsh Roads.
 - Evidence of there being reduced road accidents as a result of 20mph.
3. Any further third party consultations which have taken place.

ATISN 18915

A breakdown of the costs and data of the recently distributed 'Get ready for 20mph' leaflets by providing the following information:

- How many leaflets were printed.
- How many were delivered to Households in Wales.
- How many were delivered to Households in England.
- Cost of design.
- Cost of postage.
- Cost of print.
- Cost of disposal of surplus.

ATISN 18977

The evidence and findings of 20mph being safer for Welsh roads. To include the consultation, plans, research and analysis of this policy documented. Also include any communications to local authorities in relation to their powers to apply 20mph through traffic regulation orders.

Our response

I have decided that this information is exempt from disclosure under regulation 12(4)(b) of the Environmental Information Regulations and is therefore withheld. The reasons for applying this exemption are set out below.

I am aggregating these three requests as they are all on the same subject. I have not aggregated your other five requests, ATISN 18904, 18905, 18916, 19016 and 19017 as I judge these not to be closely related to the subject of 20mph speed limits.

Section 12(4)(b) of the Regulations allows public authorities to refuse a request for information which is “manifestly unreasonable”. Guidance from the Information Commissioners Office (ICO) states that this exception can apply where cost of compliance with the request would be too great. This position was confirmed in the Upper Tribunal case of *Craven v The Information Commissioner and the Department of Energy and Climate Change* [2012] UKUT442 (AAC).

“Taking the position under the EIR first, it must be right that a public authority is entitled to refuse a single extremely burdensome request under regulation 12(4)(b) as “manifestly unreasonable”, purely on the basis that the cost of compliance would be too great (assuming, of course, it is also satisfied that the public interest test favours maintaining the exception). The absence of any provision in the EIR equivalent to section 12 of FOIA makes such a conclusion inescapable.”

In assessing whether the cost or burden of dealing with a request is “too great”, the ICO advises that public authorities need to consider the proportionality of the burden or costs involved and decide whether they are clearly or obviously unreasonable, for example the resources available to respond to the request, including the extent to which the public authority would be distracted from delivering other services.

In ATISN 18903 you request for a very large amount of documentation. For instance, you ask for “evidence and documentation of communications sent to Assembly Members and Welsh Voters.” You do not specify a timescale nor a subject, although we can reasonably infer you mean the request to capture all communications on the matter at hand, 20mph speed limits, and that this would reasonably be limited to a timescale since (or perhaps a year prior to) the last election.

Even limiting the request in this way, an initial search of our electronic records system indicates that there are 86620 documents that would need to be reviewed to see if they were captured. Reviewing a document is a manual process. The document must be opened and read, to see if it contains information in scope. Our sampling exercises show this takes, at minimum, 3 minutes per document. We thus estimate that this would constitute some 4,331 hours of work. This does not include

time taken for preparation and redaction of materials found to be captured by the request, which would be considerable.

In addition to these documents, we would need to check for emails with officials in multiple divisions, and we estimate that at minimum, some 200 officials could potentially have information in scope of this request. All would need to conduct searches. I have not attempted to cost the scale of such searches at this point because it is already clear that this work would vastly exceed 24 hours.

Unlike s12 of the FoIA, Regulation 12(4)(b) is subject to the public interest test. The public interest in withholding this information lies in the amount of work requested, which has a clear cost to the public purse, and also to the delivery of public policy. The specialist nature of what has been requested requires that this request necessarily be handled by a policy teams involved. At this time, with the policy being implemented, there are very significant calls on the work of these teams. To carry out this work, they would be required to cease their public tasks in this policy area. This would be to the detriment of public policy, which would clearly not be in the public interest.

In the absence of a strong countervailing public interest in responding to this request, we are of the view that the public interest favours withholding of this information. No public interest argument has been presented for the release of this information. We do, however, recognise that this is a matter of very significant public interest at this time. There is a clear public interest in the openness and transparency of government around this process. You may be interested to review our disclosure log here:

[Welsh Government FOI/EIR Disclosure Log](#)

I note that a search with the keyword “20 mph” reveals some 92 FOI responses, and that information on the policy has been disclosed in the majority of these.

You may also be interested in the following publicly available information:

- [Proposal to reduce speed limit to 20mph on residential streets | GOV.WALES](#)
- [Explanatory Memorandum for the legislation which set the 20mph limit \(senedd.wales\)](#)
- [Introducing 20mph speed limits: frequently asked questions | GOV.WALES](#)
- [Setting exceptions to the 20mph default speed limit for restricted roads \[HTML\] | GOV.WALES](#)

As there is no prevailing public interest in carrying out the searches you request, I have decided not to provide you with the information you have requested.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. If you do refine your request in this way, this will be treated as a new request.

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, Cathays Park, Cardiff, CF10 3NQ or Email: Freedom.of.information@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