

23 October 2023

Dear

## **ATISN 19071 – Request for Information**

Thank you for your requests which we received on 25 September. You asked for:

Copies of emails or letters sent to Lee Waters supporting the 20mph implementation in Wales.

These should be all emails or letters he or his office has received between 17-24th September.

### **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.

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 the one-week period you specify, over 1,100 letters and emails were received. You specify that you only wish to see letters of support, but in handling correspondence, Welsh Government keeps no record of whether the letters supported the measure or not. Consequently, in order to answer this request, the first task would be to read all 1,100 letters to ascertain, in each case, whether the letter supported the measure or not. This would be a manual process.

It would take between 3 and 5 minutes per letter to read through the letter and make this determination. On an average of 4 minutes per letter, we believe the task would therefore require 4,400 minutes, which is 73 hours of work. This would be well in excess of the 24 hour limit specified for FOI requests, which may be taken to indicate that the request would also be manifestly unreasonable under EIRs.

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. At this time, with the policy being implemented, there are very significant calls on the work of these teams, not least in handling these 1,100 items of correspondence (and other correspondence outside this period). To carry out this work, policy officials 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 109 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.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