

4 November 2024

Dear

ATISN 21999 - Energy Recovery Investments

Information requested

Thank you for your request which I received on 8 October 2024. You asked for:

1. All correspondence between Cadw and Energy Recovery Investments (ERI) Ltd and or their agents since 2015.

Our response

The information you requested is enclosed.

- ATISN 21999 - Doc 1 - Cadw - Statutory Pre-App - 2024-02-15 - Bedwas Tips Reclamation Scheme, Bedwas - Response Letter
- ATISN 21999 - Doc 2 - Cadw - Statutory Pre-App - 2024-02-15 - Bedwas Tips Reclamation Scheme, Bedwas - Response Email

I have redacted the personal information of Cadw officials, Energy Recovery Investments and WSP under Regulation 13 of the Environmental Information Regulations 2004. My reasoning for doing so is set out at Annex A of this letter.

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

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 - ATISN 21999 – Regulation 13 of the Environmental Information Regulations 2004

I have decided to withhold the following information:

Information being withheld	Section number and exception name
Personal information of members of: Welsh Government officials Energy Recovery Investments WSP	Regulation (13) of the Environmental Information Regulations: the information requested includes personal data of which the applicant is not the data subject.

Engagement of Regulation 13

Regulation 13 of the EIRs sets out an exception from the duty to disclose if the information requested is personal data protected by the General Data Protection Regulations (GDPR).

Personal data means information which relates to a living individual who can be identified from that data; or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

I consider that information regarding names and addresses of members of the public, as well as information relating to their private lives to be personal information.

Guidance from the Information Commissioner’s Office states:

- The starting point is to consider whether it would be fair to the data subject to disclose their personal data;
- If disclosure would not be fair, then the information is exempt from disclosure.

I have assessed that the individual concerned would have a reasonable expectation that their personal data would be kept confidential and not disclosed to the world at large. It would be unfair to the individual concerned to release their personal data. Disclosure would give rise to unfair and unwarranted intrusion on the individual’s privacy in the circumstances of this case, and has the potential to cause unnecessary and unjustified harm to the individual in this case.

Release of this information may also breach article 8 of the European Convention on Human Rights – a right to respect for one’s “private and family life, home and correspondence.”

I have thus concluded that in in this case, disclosure would not have been within the reasonable expectation of the individual and the loss of privacy would cause unwarranted distress. It is my view that disclosure of would breach the first data protection principle, and thus are exempt from release under regulation 13 of the Environmental Information Regulations 2004.