



Llywodraeth Cymru
Welsh Government

8 January 2018

Dear ,

Request for Internal Review - Request for Information – reference ATISN 11752

Thank you for your e-mail of 12 December requesting an internal review in relation to the above.

In your email of 22 November 2017, you requested the following information:

What legal costs were incurred by your authority defending threatened and issued judicial review proceedings over each of the last 5 years (or however many fewer years can be considered within the appropriate FOIA costs limit)? If possible within the FOIA costs limit, please (a) specify the number of threatened and issued judicial review claims for each year, and (b) break the figures for costs incurred down by client department.

We wrote to you on 8 December 2017, concluding that to deal with your request would exceed the appropriate limit. In cases where the appropriate limit would be exceeded, section 12(1) of the Freedom of Information Act 2000 does not oblige a public authority to comply with the request. The appropriate limit specified for central government is £600. When calculating whether or not your request exceeds the appropriate limit, the Welsh Government is allowed to consider the time it is likely to take to establish if we hold the information, to locate the information, retrieve the information and extract it. If these tasks are estimated to take more than 24 hours of working time, the limit will have been exceeded.

You were further informed that the information you sought was not contained in a single source and that multiple data sources would need to be checked in order to establish the specific data you seek. It was explained that

- Locating the sources of information, which include electronic registers and archived paper files, would take approximately 8 to 10 hours.
- Retrieving the information would take approximately 8 hours.
- Once retrieved, extracting the specific information you seek would involve a detailed consideration of several sources of information for each identified year. It is estimated that this will take up to 40 hours in total.
- In total, it was considered that dealing with your request would take between 56 to 58 hours. Because of this, your request was refused under section 12(1) of the Freedom of Information Act 2000.

You were also informed that the WG had considered whether it would be possible to provide the information you seek for a more limited time period but that retrieval and extraction of potentially relevant information for a shorter period would also exceed the appropriate limit.

As confirmed to you on 12 December 2017, I have conducted a review of your case in accordance with the procedure outlined in the [Welsh Government's Practical Guide for Making Requests](#) for Information which is available by post on request or via the internet.

From conducting my review it is clear that neither the Legal Services department nor any other department maintains a central register of legal cases by reference to case type, including cases specifically involving judicial review. It might also be noted that whilst the in-house Legal Services Department may sometimes deal with pre-action protocol correspondence (though this is not time recorded or costed) almost all judicial review cases which are commenced will be undertaken by external legal providers (Solicitors and Counsel). In addition to the explanations provided to you on 8 December, I have further established that the identification and extraction of information potentially relevant to your request would involve the checking and scrutiny of several thousand recorded financial transactions relating to expenditure on external legal services or cases. Almost all of those transactions will have been raised and actioned by the responsible Welsh Government policy departments and not centrally through our Legal Services Department. While the actual number of transactions relevant to your request is likely to be considerably smaller, establishing relevant expenditure in relation to judicial review matters cannot, in my view, be achieved within the appropriate limit.

I am therefore satisfied that the Section 12 exemption has been applied correctly in this case.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

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

Tel: 01625 545 745
Fax: 01625 524 510
Email: casework@ico.gsi.gov.uk

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)
Email: ask@ombudsman-wales.org.uk

Yours sincerely

Jeff Godfrey
Director of Legal Services