



Llywodraeth Cymru
Welsh Government

14 November 2017

Dear _____,

Complaint in respect of Request for Information – reference ATISN 11574

Thank you for your letter of 19 November seeking a review of our response to your recent request for information regarding TB Eradication Plan licences.

Your complaint was that the information contained in the reply strongly suggests the reply could have been made much sooner.

I have investigated your complaint and completed my review about the length of time taken by the Welsh Government to respond to your Request for Information.

As you cited, the Information Commissioner's Office (ICO) guidance on handling requests states that:

- The obligation to respond promptly means that an authority should comply with a request as soon as is reasonably practicable; and
- Whilst this is linked to the obligation to respond within 20 working days, it should be treated as a separate requirement.

The initial correspondence was received by the Welsh Government on 22 September, and responded to within 20 working days, on 20 October.

You asked six questions of us, and we supplied you with information in answer to four of these. Question 5 was withheld as being exempt under EIR regulation 12(5)(a) and on question 6, we confirmed our intention to publish licence information on our website.

As your complaint is only about the time taken to handle the request, I have limited my review to that issue, and not the substance of the response.

Although within the 20 working day statutory deadline, the question I have considered is whether we have answered the request “as soon as is reasonably practicable.”

I have thus asked officials who handled this response for an explanation as to why the request took 20 working days to respond to and could not have been answered sooner, and they have explained as follows:

At the time of your request, only one farm business had been the subject of licences issued to deliver the TB Eradication Plan. However, Wildlife Management Advisers were evaluating a second licence application, and were also aware of the imminent receipt of a third application form, which was expected to be the last such application form this year.

Under the Environmental Information Regulations a public authority has the duty to provide all information it has recorded at the time the request was made. Officials could therefore have responded to your request more quickly if they had excluded the third application. However they considered that this would only give you a partial view of the situation, and that you might feel that failure to include information that they knew was going to arrive but had not arrived at the time of your request may appear to be less than forthright.

Thus, in order to present you with a full and complete picture of licences issued to deliver the TB Eradication Plan for 2017, officials made the decision to delay sending a response to your Request for Information until after the third and final licence had been evaluated and issued.

Although technically not captured by your request, that third licence was clearly part of your information requirement. As including this would still allow the response to be completed within the statutory deadline for requests, officials believed this best answered your request, whilst complying with our obligations under the regulations.

I believe the decision of officials was justified and so I do not find that there has been any maladministration in the handling of this request.

I have considered your complaint 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 at:

<http://gov.wales/about/foi/makerequest/>

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

Andrew Slade
Director, Environment and Rural Affairs