

Ein cyf/Our ref ATISN 11858



Llywodraeth Cymru  
Welsh Government

18 January 2018

Dear

### **Request for Information – ATISN 11858**

Thank you for your request which I received on 21 December 2017. You asked for:

1. The scoring protocols that apply to the issuing of a Disabled Persons Blue Badge and any weighting factors that might be included in such protocols.
2. The required evidence to prove each item on the scoring protocols.

The majority of the information you have requested is being released to you and is enclosed with this letter. I have concluded however, that some parts of the toolkit, namely the scoring matrix, is exempt under Section 31(1)(a) of the Freedom of Information Act 2000, the prevention or detection of crime. Full reasoning for applying this exemption is given at Annex A.

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 [FreedomOfInformationOfficer@gov.wales](mailto:FreedomOfInformationOfficer@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

Blue Badge Team



**BUDDSODDWYR** | **INVESTORS**  
**MEWN POBL** | **IN PEOPLE**

E&t FOI Team  
Welsh Government  
Treforest - QED Centre  
Main Avenue  
Treforest Industrial Estate  
Ponty pridd  
CF37 5YR

[FOI.EconomyandTransport@gov.wales](mailto:FOI.EconomyandTransport@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding .

## **ATISN 11858 – APPLICATION OF EXEMPTION**

### **Section 31 – Law Enforcement**

Section 31 of the Freedom of Information Act provides a prejudice based exemption which protects a variety of law enforcement interests. It states:

*31.-(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –*  
*(a) the prevention or detection of crime.*

Following full publication of an earlier version of the Toolkit on the Welsh Government website, there is evidence to suggest that some applicants used the scoring matrix to unfairly enhance their Badge applications. The evidence suggest that individuals have made adaptations, for example hiring of additional mobility equipment, to allow them to exaggerate their difficulties in order to satisfy the performance criteria needed to be met and thus achieve a pass mark. The Welsh Government is of the view that this is a criminal activity and releasing the Blue Badge Toolkit scoring matrix would be likely to prejudice the prevention or detection of such a crime.

Section 31 is a qualified (public interest tested) exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it. I have therefore given consideration to the effects of disclosure of the information to the world at large as the information is made available to anybody and everybody, not just the requestor. As such, when considering your request I have considered the wider effects of disclosure rather than any personal interest you may have in being provided with the information.

The Welsh Government recognises the general public interest in openness and transparency and releasing all of the information would help the public gain a better understanding of the decisions made by Government. It is also recognised that releasing the full Toolkit would provide the public with more information about the system for allocation of Blue Badges and assist the public in satisfying itself that appropriate and fair criteria were being applied to determine eligibility for a Badge. Disclosure of the withheld information may also allow people who are refused a Blue Badge to more effectively challenge that decision by providing them with more information about how scores are allocated for each of the mobility tests.

However, the Welsh Government is of the view there is a very strong public interest in favour of withholding the scoring matrix so as to prevent those people who wished to dishonestly obtain a Blue Badge by moderating their performance in an attempt to achieve a pass mark. The Welsh Government is also of the view that the public interest is satisfied in this case by the release of the majority of the Blue Badge Toolkit which goes some significant way to assisting individuals understanding of how applications are assessed.

In conclusion, I believe that the balance of the public interest therefore falls in favour of withholding the scoring matrix.