



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ATISN 11825

15 February 2018

Dear ,

Complaint in respect of ATISN 11825 – SA18 Broadband

I wrote to you on 1 February in response to your e-mail of complaint of 23 January.

I have conducted an internal review of your request 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.

I note in your request of 6 December 2017, you asked for all recorded information regarding superfast broadband availability for postcodes SA18 2UN and SA18 2UG from Superfast Cymru's inception in 2012 through various extensions to the present day (6 December 2017).

In our response of 23 January, it was explained that some of the information you had asked for was captured in a wider document not considered relevant to your request. The information which was considered relevant was in two parts, outlining availability in 2012 and May 2014 respectively and was released to you.

Also released to you was a copy of an email from BT to a member of the public who lives in the SA18 2UG postcode area regarding broadband availability at the premises. Some of this information was withheld under Section 40, personal data of the Freedom of Information Act 2000 (FOIA). You were provided with reasons as why this personal data was withheld.



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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 .

Finally, information from our database which showed progress to delivery in each postcode was also released to you, together with an explanation stating that it was important to recognise that the information dates from July 2017 for information on SA18 2UN and from September 2017 for information on SA18 2UG and therefore does not necessarily reflect the current position. The response explained that the current position for all premises within the two postcode areas can be found at <https://beta.gov.wales/can-i-get-it>.

On 23 January, 2018, you complained about the timeliness of the response and expressed dissatisfaction regarding its contents.

I have considered the response you received and your subsequent complaint. I note that you do not complain about the personal information which was withheld under Section 40, personal data of the FoIA. I have therefore not considered that part of the response within this internal review. Otherwise, I note that it was considered all information was released to you.

I will firstly address the timeliness of your request. The statutory deadline for responding to your request was 8 January. Whilst an apology for the delay was issued to you on 9 January, I note we did not respond fully until 23 January. Under the FoIA, unless an extension has been legitimately applied then we are obliged to respond to requests for information within a statutory 20 working day timeline. On this occasion, I regret that we have breached this deadline and for this I apologise.

I note that whilst you requested broadband availability across two postcode areas, you also asked for all recorded information regarding superfast broadband availability. I am of the view that whilst the response you received provided you with information about the broadband availability across the two postcode areas it did not provide all the recorded information.

I further note that whilst you were provided with extracts from schedule 4 of the grant agreement, you were not provided with any contextual explanation. I believe it should have been made clearer to you that these extracts from schedule 4 were from the grant agreement with BT. Schedule 4 lists all the postcodes and number of premises within each postcode that can be claimed under the grant agreement with BT. This was produced in 2012 and was updated in 2014, hence the two extracts.

In addition to the generic number of premises passed in each postcode, the data can also be broken down to identify the actual premises which can access superfast broadband. Whilst this is available through the data analytical tool that you were provided with, it is also embedded within the BT/Openreach monthly claims for July 2017 and September 2017. This information could also be derived from interrogating the Superfast Cymru website for all premises in both postcodes which was signposted in the response. That said, I have concluded that the additional relevant extracted information should have been released to you and this is enclosed at the end of this letter.

Turning to your comment regarding the beta version of the website, the Superfast Cymru pages sit on the new Welsh Government's website and not on the current Welsh Government website. It is the new site GOV.WALES which is at beta testing phase, not the Superfast Cymru pages.

To conclude, whilst I am satisfied that you were provided with information we hold, I am of the view that further information should also have been released to you, as provided at the end of this letter, together with some contextual explanations. Your complaint is therefore upheld in part.

I trust the above provides a clearer explanation of our position on this matter.

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

Simon Jones

Director for Economic Infrastructure

Extract from Appendix C of the Ammanford Fibre to the Premises (FTTP) Testing and verification Exchange Report

Version V1.1 for month ending 31st July 2017

Exchange Name	Predicted Download Speed	Property Name and address			
AMMANFORD	330	AWEL Y COED	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	BRYNAWEL	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	ERW LON	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	HOLLY COTTAGE	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	LLYS YR EOS	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	MEADOW VIEW	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	NEBO	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	PENYRHEOL FARM	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	TY CANOL ISAF	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	TY NEWYDD	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	WAUNCEFN	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	WAUNHELYG	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	1 GLASFRYN	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	3 GLASFRYN	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	4 GLASFRYN	HEOL DDU	AMMANFORD	SA18 2UN
AMMANFORD	330	LLAETHDY	HEOL DDU	AMMANFORD	SA18 2UN

Extract from Appendix A of Ammanford Testing and Verification Exchange Supplementary Report

Version V2.0 for month ending 30th September 2017

Exchange Name	Predicted Download Speed	Property Name and address			
AMMANFORD	80.00	PANTYBRYN	HEOL DDU	AMMANFORD	SA18 2UG