



6 March 2018

Dear ,

Request for Information – ATISN 11754

I write in response to your e-mail of complaint dated 6 February 2018 regarding the Welsh Government's handling of your request for information.

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 that you submitted your request for information, our reference ATISN 11754, to both the Cabinet Secretary for Economy and Transport and the First Minister, with several copy recipients, on 22 November, 2017. Your request consisted of 11 questions, as follows:

- 1. Could you please tell me on which page of the Bevan Foundation report I can find the phrase you attribute to Dr Winckler "I suggest that consideration should be given to routing some Trawscymru T3 journeys between Aberystwyth and Wrexham as well as between Barmouth to Wrexham" (NB this has been the technique employed by your officials [named official] and [named official] when completely altering the text of freedom of information requests to avoid answering embarrassing questions they did not want to answer and divert questions to Local Authorities)*
- 2. Could you please tell me whether your copy of the Bevan Foundation report contains the following phrase in paragraph 2.12. in the words of Dr Winckler "I recommend that further work be done in advance of the introduction of the proposed T3 service on the feasibility of its operation to Aberystwyth rather than Barmouth". (NB This recommendation was based on the views of stakeholders to the report not the "suggestions" of a Welsh Government Official)*



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3. *Could you please tell me on what date(s) in 2014 was routing the T3 from Wrexham to Aberystwyth discussed as you state in your letter?*
4. *Could you please tell me the name/job title of the Welsh Government official(s) who were involved in discussions regarding routing the T3 from Wrexham to Aberystwyth?*
5. *Could you please tell me the name/job title/organisation of the officials from external organisations to the Welsh Government (Local Authorities and Bus Service Providers) who were involved in discussions regarding routing the T3 from Wrexham to Aberystwyth?*
6. *Could you please tell me what documentation the Welsh Government holds relating to discussions regarding routing the T3 from Wrexham to Aberystwyth. For example memos, emails, meeting notes, personal notes, reports, etc?*
7. *Could you please tell me the conclusions that resulted from discussions regarding routing the T3 from Wrexham to Aberystwyth and the reason that, as you state in your letter, "a decision was taken to not pursue this option"?*
8. *Could you please tell me whether the conclusions and decision (after discussions regarding routing the T3 from Wrexham to Aberystwyth) were shared with the partners to the T2/T3 contracts ie Local Authorities and Bus Service Providers?*
9. *Could you please tell me the name/job title/organisation of the officials in those partner organisations who were informed of the conclusions and decision to not pursue routing the T3 from Wrexham to Aberystwyth?*
10. *Could you please tell me whether your "high level" review will consider the remit from Dr Winckler ie "I recommend that further work be done in advance of the introduction of the proposed T3 service on the feasibility of its operation to Aberystwyth rather than Barmouth?" (Bearing in mind it cannot now be done in advance of the introduction of the T3 as that introduction took place 3 years ago)*
11. *Could you please tell me whether your "high level" review will consider the remit "amended" and provided by your "reassuring officials" which is vastly different to the recommendation by Dr Winckler "I suggest that consideration should be given to routing some Trawscymru T3 journeys between Aberystwyth and Wrexham as well as between Barmouth to Wrexham"?*

I note in our response of 20 December, 2017, the view was taken that only 5 of your questions were asking for recorded information, namely questions 3, 4, 5, 7 and 9. In terms of the remaining questions, they were not responded to as you have previously been advised that the Welsh Government will now only respond to valid Freedom of Information requests from you on the subject of the TrawsCymru bus services. I can confirm that the Welsh Government does not hold recorded information that would answer these questions.

On 31 January, you advised the Welsh Government that you had not received our response of 20 December. On 1 February, Officials attempted to forward you a copy of the e-mail sent to you on 20 December containing the response. They made further attempts on 5 February, which included an e-mail asking you to provide your postal address so that a hard copy could be issued to you. On 2 February, the Welsh

Government received communication from the Information Commissioner asking the Welsh Government to respond to your original request. The Welsh Government subsequently provided the Information Commissioner with evidence that the request had been responded to on 20 December and evidence of the subsequent efforts to re-send it to you. On 5 February, the Information Commissioner responded that the case had been closed but noted that your request was subject to internal review.

I have considered your original request, the response you received and your subsequent complaint of 6 February 2017.

You submitted two e-mails to the Welsh Government on 6 February 2017 regarding the TrawsCymru bus services. In your e-mail sent at 19.20 pm, I note you have complained about not receiving a response to 6 of your original questions, namely questions 1, 2, 6, 8, 10 and 11. Given you have not expressed dissatisfaction with the response you received for the remaining questions, I have not considered those responses as part of this review.

On 6 January, 2017, you were advised that the Freedom of Information Act (Fol) provides a right to ask for recorded information held at the time a request is made and does not require an authority such as the Welsh Government to provide views or opinions where those views are not already recorded. It was explained to you that this is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information', page 7:

"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."

It was further explained that on this basis, although you have submitted numerous questions in which you expect a response, the FOI Act does not oblige us to 'explain' or 'confirm' whether discussions have been held (etc.) except insofar as such information is held in recorded form at the time the request was made.

In relation to questions 1, 2, 6, 8, 10 and 11, I am of the view that they are not, in fact, asking for recorded information and as such are not valid Freedom of Information requests. I can confirm that the Welsh Government does not hold recorded information that would answer these questions.

To conclude, for the reasons outlined above, your complaint is not upheld. 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