



23 April 2018

Dear ,

Request for Information – ATISN 12189

Thank you for your request for information which I received on 19 March in relation to Sport Wales. Please accept my apologies for the delay in providing you with this response.

You have asked for the release of all available correspondence on Welsh Government servers or other documents relating to:

1. The appointment of Dr Paul Thomas as Chair of Sport Wales.
2. The organisation's review conducted by Dr Paul Thomas.
3. The suspension, dismissal of Dr Paul Thomas and the Vice Chair.

For the reasons explained below, and in accordance with Section 14(1) of the Freedom of Information Act 2000 (FOIA), I have concluded that your request is vexatious.

Guidance from the Information Commissioner on vexatious or repeated requests¹ explains that “Section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress”. My view is that dealing with this request would be likely to cause a disproportionate and unjustified level of disruption to the Welsh Government.

For the purpose of identifying potentially vexatious requests, paragraphs 64-74 of the Information Commissioner’s Guidance refers to requests which would impose a grossly oppressive burden which are not covered by the Section 12, appropriate cost

¹ http://www.ico.org.uk/for_organisations/guidance_index/freedom_of_information_and_environmental_information



limit. The Guidance states that, whilst a public authority cannot claim Section 12 for the cost and effort associated with considering exemptions or redacting exempt information, it may be able to apply Section 14(1) where it can make a case that the amount of time required to review and prepare the information for disclosure would impose a grossly oppressive burden.

The Information Commissioner's Office considers that the public authority would most likely to have a viable case where:

- The requester has asked for a substantial volume of information *AND*
- The authority has real concerns about potentially exempt information, which it will be able to substantiate if asked to do so by the ICO *AND*
- Any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.

In reaching my decision that I consider your request to be vexatious, and in accordance with the Information Commissioner's Guidance, I have given consideration to each of the above factors. In doing so, I can confirm that your request has asked for a substantial volume of information that would take a considerable time to collate.

Substantial Volume of Information

The nature of the Welsh Government's relationship with Sport Wales, as a Welsh Government Sponsored Body, is to ensure good governance. As such, the Welsh Government holds a wide range of related files and records on Sport Wales.

In relation to your particular request, and on the matter of the appointment process for the Chair of Sport Wales alone, the Welsh Government holds several hundred items of correspondence (at least 500 on the first item alone) regarding the matters you have raised, held in both electronic and physical folders.

The amount of information caught by your request is therefore substantial.

Concerns about potentially exempt information

The Welsh Government has responded to previous requests for information on this subject matter:

<http://gov.wales/about/foi/responses/2017/Jan17/atisn10950/?lang=en>
<http://gov.wales/about/foi/responses/2017/Apr17/atisn10938/?lang=en>
<http://gov.wales/about/foi/responses/2017/Jan17/atisn10960/?lang=en>
<http://gov.wales/about/foi/responses/2017/Feb17/atisn11076/?lang=en>
<http://gov.wales/docs/decisions/2017/culture/170216atisn11026ltr.pdf>
<http://gov.wales/about/foi/responses/2017/May17/atisn11230/?lang=en>

In doing so, it can be seen that the information you have requested contains a significant amount of personal data, as well as other information that we believe may be exempt from disclosure under other exemptions. As indicated in the responses to

request ATISN 11076 and ATISN 10938, the Welsh Government would have real concerns over any information entering the public domain that should be exempt.

Isolation of Potentially Exempt Information

As explained above, the information caught by your request is held in both electronic and physical folders. Isolating the exempt information and subsequently redacting that information across such a disparate series of documents means it would impose a grossly oppressive burden on the Welsh Government, both in terms of the time it would take and the fact that only certain senior officials closely involved with the review and who have an in-depth knowledge of the information, would be able to undertake the task. Undertaking this exercise would take them away from their other duties for a considerable period of time.

To conclude, as evidenced above, I believe your request is vexatious in accordance with Section 14(1) of the Freedom of Information Act 2000 (FOIA).

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@wales.gsi.gov.uk. 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.

The request you sent me contains personal information about you - for example, your name and address. I will only use this personal information in accordance with the Data Protection Act 1998 to deal with your request and any matters which arise as a result of it. I will keep your personal information and all other information relating to your request for three years from the date on which your request is finally closed. Your personal information will then be disposed of securely.

Any information released under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 will be listed in the Welsh Government's Disclosure Log (at <http://wales.gov.uk/about/foi/responses/?lang=en>).

Yours sincerely