



24 August 2018

Dear ,

### Request for Information – ATISN 12559

I am writing in response to your request for information dated 13 July 2018 to the Cabinet Secretary for Economy and Transport regarding TrawsCymru bus services.

Our records have been checked and the Welsh Government has no record of receiving your request of 13 July on that date. The Welsh Government received your request dated 13 July on the morning of Monday 13 August, 2018 as an attachment to another e-mail you sent to the Cabinet Secretary dated 12 August, 2018. The statutory deadline for responding to your request dated 13 July is therefore 10 September, 2018.

In your request of 13 July, you asked:

1. Could the Welsh Government please provide a full list of the TrawsCymru Strategic Management Board ie job title and organisation. ?
2. Could the Welsh Government please provide the job title and organisation of the Chairman of the TrawsCymru Strategic Management Board ?
3. Could the Welsh Government please give specific details of which “Trawscymru issues” the TrawsCymru Strategic Management Board agreed to a “joint position of all Board members” on ?
4. Could the Welsh Government please say whether the “joint position of all members of the Board” was dealt with at a meeting ,or by email, or by phone, or by any other means .?
5. If the “joint position of the TrawsCymru Strategic Management Board” was agreed at a meeting could the Welsh Government please provide the date of the meeting and say whether the “joint position” was minuted at the meeting . Could the Welsh Government please provide the text within the meeting notes which dealt with the “joint position” ?

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BUDDSODDWR | INVESTORS  
MEWN POBL | IN PEOPLE

[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 .

6. If the “joint position of the TrawsCymru Strategic Management Board” was agreed at a meeting could the Welsh Government please provide a full list of the TrawsCymru Strategic Management Board members who attended the meeting at which “the joint position of all members of the Board” was arrived at as stated in the Trawscymru Network Manager’s letter of 09/07/2018 ?
7. If the “joint position of the TrawsCymru Strategic Management Board” was agreed at a meeting could the Welsh Government please say whether each of the “Trawscymru issues” was discussed at the meeting and could the Welsh Government please say whether discussion on each of the “Trawscymru issues” was minuted at the meeting?.
8. If the “joint position of the TrawsCymru Strategic Management Board” was agreed by email, or by phone or by any other means could the Welsh Government please provide the job title and organisation of the person who took the lead in organising the “joint position of the TrawsCymru Strategic Management Board”. ?
9. If the “joint position of the TrawsCymru Strategic Management Board” was agreed by email, or by phone or by any other means could the Welsh Government please state how each of the “Trawscymru issues” was disseminated to all the Board members to allow them to agree .a “joint position of the TrawsCymru Strategic Management Board” on all the “Trawscymru issues” ?
10. Could the Welsh Government please say who within the Welsh Government provided the remit to Professor Cole for his 'High Level' strategic review of the TrawsCymru T3 service which links Wrexham to Barmouth.?
11. Could the Welsh Government please provide a copy of the remit for Professor Cole’s 'High Level' strategic review of the TrawsCymru T3 service which links Wrexham to Barmouth.?
12. Could the Welsh Government please state the date on which Professor Cole produced the 'High Level' strategic review of the TrawsCymru T3 service which links Wrexham to Barmouth ?.
13. Could the Welsh Government please state when and how I can access a full copy of the Professor Cole’s 'High Level' strategic review of the TrawsCymru T3 service which links Wrexham to Barmouth ?.
14. Could the Welsh Government please state why the review by Professor Cole does not contain any mention of an Aberystwyth to Wrexham Trawscymru route ?
15. Could the Welsh Government please state why, despite the fact that it is not mentioned in Professor Cole’s review , the Trawscymru Network Manager states in his letter that Professor Cole has not recommended a Trawscymru Aberystwyth to Wrexham service.?
16. Could the Welsh Government please provide the relevant text from within the 'High Level' strategic review document of the TrawsCymru T3 service which links Wrexham to Barmouth, which gives the recommendation by Professor Cole to not provide a Trawscymru Aberystwyth to Wrexham service ?
17. Could the Welsh Government please provide the reasons that Professor Cole gave for not recommending a Trawscymru Aberystwyth to Wrexham service ?

18. Could the Welsh Government please provide the relevant text from within the review document which gives the reasons that Professor Cole gave for not recommending a Trawscymru Aberystwyth to Wrexham service ?
19. Could the Welsh Government please say why a review of a Trawscymru Wrexham to Aberystwyth route commissioned by the Cabinet Minister for Economy and Infrastructure on 14/11/2017 has not been carried out ?
20. Could the Welsh Government please state when and how I can access a full copy of the review/evaluation/justification document of the TrawsCymru T10/T11 service (Machynlleth to Wrexham) ?
21. Could the Welsh Government please state when the review of the TrawsCymru T10/T11 service (Machynlleth to Wrexham) was or will be placed in the public domain for public consultation ?
22. Could the Welsh Government please state which organisations have been consulted regarding the TrawsCymru T10/T11 service (Machynlleth to Wrexham) ?
23. Could the Welsh Government please state when and how I can access a full copy of the review/evaluation/justification document of the proposed TrawsCymru Llandudno/Rhyl to Wrexham via Ruthin service ?

I can confirm that the Welsh Government does not hold any recorded information that would answer questions 5, 6, 7 and 23. For the remainder of your questions, I have concluded that your request is 'vexatious' under Section 14(1) of the Act and it is therefore being refused for the reasons set out below.

I have previously provided you with guidance from the Information Commissioner on vexatious or repeated requests. The guidance<sup>1</sup> 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.

I have also previously explained that for the purpose of identifying potentially vexatious requests, the Information Commissioner's Guidance sets out a series of indicators (albeit not a definitive or limiting list) which demonstrate typical key features of a vexatious request. The Guidance also allows public authorities to take into account the wider context and history of the request.

In reaching my decision that I consider your request to be vexatious, and in accordance with the Information Commissioner's Guidance, I have taken into account the wider context and history of your request. In particular, I have given consideration to the following headings/indicators within the Guidance:

- Abusive or aggressive language
- Personal grudges
- Unreasonable persistence
- Unfounded accusations
- Intransigence

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<sup>1</sup> [http://www.ico.org.uk/for\\_organisations/guidance\\_index/freedom\\_of\\_information\\_and\\_environmental\\_information](http://www.ico.org.uk/for_organisations/guidance_index/freedom_of_information_and_environmental_information)

- Frequent or overlapping requests

I have outlined below my full reasoning for reaching this decision under the relevant indicator descriptors taken from the Information Commissioner's Guidance. There is a natural overlap between some of the arguments. There is some further overlap with my previous responses to you in relation to requests reference ATISN 11954, ATISN 12006, ATISN 12050, ATISN 12099, ATISN 12375, ATISN 12382 and ATISN 12948. The decision has been based on the cumulative argument.

### **Abusive or Aggressive Language**

I am of the view that the tone of your frequent correspondence goes beyond the level of criticism that employees of a public authority should reasonably expect to receive. You have previously brandished Welsh Government employees and Ministers as liars and questioned their behaviour. You have previously accused Welsh Government employees of:

- lying on multiple occasions to the public and the media;
- being evasive;
- deliberately altering the text of your Freedom of Information requests in order to avoid answering questions;
- creating fictional responses to questions;
- attempting to divert responsibility for actions supposedly taken;
- making excuses;
- being dishonest;
- acts of piracy;
- falsifying FOI requests;
- being negligent in managing the TrawsCymru network;
- providing incorrect statements to Ministers;
- being unprofessional.

With this request, you have continued to indirectly suggest such behaviour in that the information that has been provided to you, including that of 9 July on behalf of the TrawsCymru Strategic Management Board, is untrue. As explained above, in reaching my conclusion that your request is vexatious, I have taken into consideration the wider history of your frequent correspondence. Whilst your latest request dated 13 July contains only some of the wording listed above, you have nonetheless used all of the above words at some point in your previous correspondence and I am of the view that you continue to indirectly suggest such behaviour in your latest request. For example, you have stated *"The letter from the Trawscymru Network Manager also contained the usual evasive responses, contained the usual misleading statements and contained a vague promise to look at T2 service timings in early 2019"*.

### **Personal Grudges**

The guidance under this indicator states that *'For whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity'*. I have previously stated that I am of the view that you are targeting your correspondence towards a single individual, namely the TrawsCymru Network Manager, branding that individual, either directly or indirectly, as a liar. You continue to submit your correspondence to a varied and wide audience. With this latest correspondence, it is clear that you are targeting that individual with your views

that he has lied. As explained above, in considering this response, I am taking into consideration the wider context and history of your request. For example, in your e-mail of 22 November, 2017, you state:

*“The Welsh Government official responsible for not correcting this problem should be sacked for that alone and certainly should be sacked for repeatedly lying over a period of 2 years. The Welsh Government is happy to sit back and protect Government Officials who are not doing their job and lying. They are lying not only to the general public, but to Local Authorities, Welsh MPs, Welsh Assembly Members and Government Ministers alike. It is time you as Minister responsible for Transport and the First Minister as arbiter of the Ministerial Code took some action”.*

It is clear to me, therefore, that you are targeting your correspondence towards a particular employee of the Welsh Government in a hostile manner in order to incite a response from the numerous and varied copy recipients.

### **Unreasonable persistence**

I believe that in submitting your requests, there is evidence of unreasonable persistence on your part. I believe you are attempting to reopen an issue on which you have already received responses or which has been subject to independent scrutiny, through Dr Winckler’s review of TrawsCymru which reported in August 2013 and more recently the high level strategic review of the TrawsCymru T3 service, led by Professor Stuart Cole, as referred to in the response sent to you on 9 July. Further information about Professor Cole’s review is available on the Welsh Government website at <https://beta.gov.wales/trawscymru-t3-summary-recommendations-professor-stuart-cole>.

You have framed this request as *“Ken Skates fails to keep his word on a “High-Level” review of a TrawsCymru Wrexham to Aberystwyth route which he commissioned on 14/11/2017”*. The scope of Professor Cole’s review included giving consideration to ‘...the broad strategic merits of operating new direct TrawsCymru T3 journeys linking Wrexham to Aberystwyth (as opposed to Barmouth)’. In submitting your request, I am therefore of the view that you are attempting to reopen this issue which has been exhaustively addressed and considered. Not only have officials previously responded to you to explain why your requests for changing bus timetables and routes cannot be met, they have been independently considered by Professor Stuart Cole. Regardless, you refuse to accept the Welsh Government’s explanations provided to you on this matter and continue to suggest alternative bus routes and bus timetable changes in order that your requests for bus routes that suit you can be met.

### **Unfounded Accusations**

I have previously explained my view that your accusations regarding Welsh Government employees and Ministers being liars are based entirely on your own assumptions or conclusions. With this latest request, you continue to make such assumptions based purely on your own evidence, for example you state that *“The “High-Level” review of the Wrexham to Aberystwyth route commissioned by the Minister has not been carried out for the second time...”*. As can be seen from the link provided above, this is not the case.

In terms of the Ministerial Code, you continue to suggest that I have been ‘orchestrating’ the Cabinet Secretary’s replies to your requests following my ‘employment’ by the Cabinet Secretary and the First Minister in replying to your complaint that the Cabinet Secretary

has breached the Ministerial Code. I have not replied to such a complaint. Your complaint about the Ministerial Code was addressed as an entirely separate matter. The First Minister wrote to you on 21 December 2017, reference FM-05049-17 to confirm he was satisfied the Ministerial Code had not been breached. I confirm that I am not confusing my replies to your Freedom of Information requests with your complaint about the Ministerial Code.

As explained at the beginning of this letter, Freedom of Information requests are matters for officials, not Welsh Ministers. Any Freedom of Information requests sent to Welsh Ministers are forwarded to the relevant officials for response. My letter to you of 20 October 2017, reference TO/KS/03641/17, was in response to your continued general correspondence on TrawsCymru matters to Welsh Ministers. My letter confirmed our previous response to you of 6 January 2017 that the Welsh Government will not be responding to any further general items of correspondence to you but it will respond to valid Freedom of Information requests, as it is obliged to do so. You were advised on the most appropriate method for submitting Freedom of Information requests. You have chosen, however, to ignore this advice and continue to submit your requests to Welsh Ministers. As explained above, Welsh Ministers are not responsible for Freedom of Information requests. They are matters for officials. Any Freedom of Information request you therefore send to Welsh Ministers will be responded to by officials.

### **Intransigence**

You have previously declined offers of meetings with you to discuss your concerns, as outlined in my previous correspondence. In our e-mail to you of 9 July, a further offer of a meeting was made to you, with Professor Stuart Cole, as representative of the TrawsCymru Board. In your request of 13 July, you have stated *"It is also disingenuous for the Trawscymru Network Manager to offer a meeting when there is nothing to discuss"* because *"The ""high-Level"" review of a Trawscymru Aberystwyth to Wrexham route has not been carried out, the Welsh Government are not willing to engage in answering questions and are completely unconcerned by lack of connectivity in both Dolgellau and Aberystwyth"*. As explained above, the T3 review has been carried out and Professor Cole would be happy to meet with you to explain the work that he undertook and why he reached the conclusions that there were no merits in operating new direct T3 journeys linking Wrexham to Aberystwyth (as opposed to Barmouth) and is therefore not referenced in his recommendations. In not accepting the offer to meet with Professor Cole, or any other such offers which have been made to you, I remain of the view, therefore, that you are unwilling to engage with the Welsh Government.

You also continue to copy several other e-mail addresses, including the media and elected Members, to every correspondence item you send to Welsh Ministers. The Welsh Government has not received any other complaint regarding the issues you raise from any other members of the public.

### **Frequent or overlapping requests**

Your have submitted a high number of correspondence items, to both Welsh Ministers and Welsh Government employees regarding the TrawsCymru bus services. Since April 2016, you have submitted a significant amount of correspondence and made 19 Freedom of Information requests on TrawsCymru bus services, as well as submitting complaints for your numerous Freedom of Information requests and complaints to the Information

Commissioner. With each piece of correspondence, I am of the view that your intention is to re-examine and re-open issues that have already been considered and addressed.

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 Email: [Freedom.of.information@gov.wales](mailto:Freedom.of.information@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.

The request you sent me contains personal information about you - for example, your name and address. The Welsh Government will be the data processor for this information and, in accordance with the General Data Protection Regulation, it will be processed in order to fulfil our public task and meet our legal obligations under the Act to provide you with a response. We will only use this personal information to deal with your request and any matters which arise as a result of it. We 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.

Under data protection legislation, you have the right:

- to be informed of the personal data we hold about you and to access it
- require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further information about the information which the Welsh Government holds and its use, or if you wish to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer, Welsh Government, Cathays Park, CARDIFF, CF10 3NQ  
Email: [DataProtectionOfficer@gov.wales](mailto:DataProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are given above.

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