

Ein cyf/Our ref ATISN 13719



Llywodraeth Cymru
Welsh Government

20 February 2020

Dear ,

Request for Information – ATISN 13719

I wrote to you on 23 January regarding your request for information on a Safe Routes in Communities grant recently awarded to Neath Port Talbot County Borough Council.

You asked for:

- 1. A copy of the Ystalyfera Community Bid grant application submitted by Neath Port Talbot County Borough Council for the 2019/20 financial year for the Safe Routes in Communities grant.**
- 2. A copy of any subsequent correspondence between the Welsh Government and the Council regarding the Ystalyfera Community Bid grant application.**

I confirm we hold information caught by your request which is enclosed with this letter. I am withholding some of the information under Section 40 of the Freedom of Information Act, 2000, personal data. Please see Appendix 1 as to why this information is being withheld.

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



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Welsh Government
Parc Cathays / Cathays Park
CF10 3NQ

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 .

or Email: Freedom.ofinformation@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

Section 40(2) – Personal Data

Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 1998 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, some of the information contained within the information caught by your request contains third party personal data. Specifically, this relates to correspondence containing names of officials, their e-mail addresses and direct telephone numbers.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

“processed lawfully, fairly and in a transparent manner in relation to the data subject”

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. The Balancing test: Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate Interest Test

The Welsh Government recognises there is a legitimate interest in being able to identify the parties involved in any communication in order to follow the flow of that communication and to understand the views and positions expressed by each party. We do not believe, however, there is any legitimate reason why the personal data would need to be released in order to follow and understand those communications. The views expressed in the communications are those of the respective organisations rather than those of the individuals concerned. As such it is irrelevant as to who made those comments. The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

2. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request. It is straight forward, even when withholding the personal data, to follow the discussions and to identify the views expressed by each organisation. As such we do not believe it is necessary to disclose the personal data to allow the conversations to be followed.

Nor do we believe it is necessary to disclose the personal data in order to allow members of the public to contribute to this, or future discussions on this or any other matter. There are mechanisms by which the public can contact the relevant policy areas, such as generic mailboxes, public consultations, or writing to a Minister, etc.

3. The Balancing Test

As it has been concluded it is not necessary to disclose the identity of the correspondents, there is no requirement to balance the rights and interests of those correspondents against the rights, under FOIA, of the requester.

To conclude, as release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.

1.	<p>Ystalyfera Community Bid Application</p> <p><i>See attachment - ATISN 13719 – Doc 1</i></p>
2.	<p>Email From: Neath Port Talbot To: Welsh Government Date: 24/01/19</p> <p>Further to our telephone conversation, please find attached the amended front cover of the Safe Routes in Communities Bid Submission from Neath Port Talbot County Borough Council as requested.</p> <p>If you have any queries, please do not hesitate to give me a call.</p> <p><i>See attachment - ATISN 13719 – Doc 2</i></p>
3.	<p>Email From: Neath Port Talbot To: Welsh Government Date: 12/07/19</p> <p>Subject: Safe Routes in Communities 2019/20 - Q1 claim documents - Neath Port Talbot County Borough Council</p> <p>Good Morning, Please find attached Annex A, B, C and E in respect of Safe Routes in Communities 2019/20 quarter 1 claim.</p> <p><i>See attachment - ATISN 13719 – Docs 3, 4, 5 and 6</i></p>
4.	<p>Email From: Neath Port Talbot To: Welsh Government Date: 27/09/19 Subject: Safe Routes in Communities – Ystalyfera</p> <p>I wish to inform that Neath Port Talbot County Council are unable to deliver the 20mph zone and related traffic calming measures in Ystalyfera, funded as part of this year's Safe Routes in Communities programme.</p> <p>Two informal community consultations were carried out prior to bid submission, following which a revised scheme was submitted to Welsh Government for consideration.</p> <p>On receipt of the funding allocation the proposed Traffic Regulatory Order for the 20mph zone and speed cushions was formally advertised, in conjunction with a public meeting. The response from</p>

	<p>the Community was unprecedented with the following received:</p> <ul style="list-style-type: none"> . A total of 194 letters/emails objecting to the scheme . A petition containing 145 letters objecting to the scheme was also received . A total of six letters supporting the scheme were received <p>After meeting with the Local Councillor to consider the individual objections and petition received, it was reluctantly decided that due to the significant number of objections received from the local community that the scheme be withdrawn.</p> <p>A report was tabled to this effect to the Streetscene and Engineering Cabinet Board on 20th September 2019.</p> <p>It is therefore our intention to remove circa 176k from our grant allocation of 333k for the Ystalyfera scheme whilst continuing with the footpath proposals. The reduction in funding will be presented in our Quarter Two returns due in October.</p> <p>The Authority apologises for the inconvenience caused but have taken on board the Communities feedback before coming to this difficult decision. I hope that by giving you early notice that the funding can be re allocated for expenditure within year.</p> <p>I trust the above clarifies our position.</p>
5.	<p>Email From: Welsh Government To: Neath Port Talbot Date: 2/10/19 Subject: Safe Routes in Communities – Ystalyfera</p> <p>Thank you for updating me on the progression of the Safe Routes in Communities Ystalyfera scheme.</p> <p>I have noted that you are declaring an underspend of approximately £176,000. This amount will now be reallocated to other local authority Safe Routes in Communities scheme(s) where additional funding has been requested and approved by Welsh Government.</p> <p>I would be grateful if the details below could be included in the Quarter 2 report.</p>
6.	<p>Email From: Neath Port Talbot To: Welsh Government Date: 2/10/19 Subject: Safe Routes in Communities – Ystalyfera</p> <p>Many thanks – I will ensure that the Quarter 2 report reflects same.</p>

7.	<p>Email From: Neath Port Talbot To: Welsh Government Date: 15/10/19 Subject: SRiC and Capital Grant claim - Quarter Two</p> <p>Please find attached the signed claim forms for Road Safety Capital and Safe Routes In Communities for Quarter 2.</p> <p>As discussed the Safe Routes in Communities claim reflects a return of 176k.</p> <p><i>See attachment - ATISN 13719 – Docs 7, 8, 9 and 10</i></p>
8.	<p>Email From: Neath Port Talbot To: Welsh Government Date: 15/01/20 Subject: SRIC 2019/20 - Q3 claim documents</p> <p>Good Morning, Please find attached Annex A, B, C and E in respect of Safe Routes in Communities 2019/20 quarter 3 claim.</p> <p><i>See attachment - ATISN 13719 – Docs 11, 12, 13 and 14</i></p>