



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ATISN 15100

Dear

13 May 2020

Request for Information – ATISN 15100

I wrote to you on 29 April regarding your request for information. You asked for the following information regarding a legal dispute between the Welsh Government and Costain Group over the construction of the A465 Heads of the Valleys Road –

All correspondence, plus notes of meetings, from 1 January 2017 to 30 March 2021 between the Welsh Government's Director of Infrastructure and/or their team and the Vale of Glamorgan Council and/or their officers about:

1. What is the current status of the arbitration proceeding?
2. If the proceeding has concluded, what did the arbitrator order?
3. If the proceeding has concluded, can you share a copy of the arbitral award?

I can confirm that we hold the information you have requested.

For question 1, the arbitration proceeding has been concluded.

I have concluded that the information requested for questions 2&3 is exempt from disclosure under Section 32(2)(b) of the Freedom of Information Act – Court, inquiry or arbitration records.

(2) Information held by a public authority is exempt information if it is held only by virtue of being contained in—

(a) any document placed in the custody of a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration, or



**BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE**

Llywodraeth Cymru /
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 .

(b) any document created by a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration.

Section 32 applies to judgments and orders (where these haven't been published).
The ICO says

"We believe that section 32 was drafted to allow the courts to maintain judicial control over access to information about court proceedings. This includes giving courts control to decide what information can be disclosed without prejudicing those proceedings.

Section 32(2) covers inquiry and arbitration records. It provides an exemption for information held only by virtue of being recorded in a document that has been: filed or placed in the custody of a person conducting an inquiry or arbitration; or created by the individual or body conducting the inquiry or arbitration.

No information relating to the judgments and orders of the court in this matter have been made public or published by the court.

We have therefore concluded that Section 32 applies in relation to your request. Section 32 is an absolute exemption therefore there is no requirement to carry out a public interest test.

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.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