

16 January 2023

Dear

ATISN 16968 – Self Build Wales

Thank you for your request which I received on 14 December 2022. You asked for: the number of people who have applied to Self Build Wales in total and by year, plus the overall figure provided as loans to applicants on a yearly basis.

Our response

The information you requested is enclosed.

- 1. *How many people have applied to Self Build Wales in total since its creation***
8 applications have been received for one plot.
- 2. *How many people have applied to Self Build Wales on a yearly basis***
The 8 applications referred to in response to question 1 above were made in July 2020.

To put the above responses into context, the scheme commenced just prior to the Covid pandemic and as such it was inappropriate to undertake a formal 'launch'. The pandemic has impacted progress of the scheme, so the advancement of existing sites, and the introduction of new sites into the scheme, has been slower than anticipated (pre-pandemic). However, there continues to be strong interest in the scheme with 2,193 expressions of interest in the scheme received to date, which are site specific and 3,334 registrations of interest in the scheme - non site specific.

3. *The overall figure provided as loans to applicants on a yearly basis.*

I have decided that this information is exempt from disclosure under section S.40(2) of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption - personal information about others – is set out in full at Annex A.

Next steps

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

Annex A: Application of exemptions

The Freedom of information Act provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

The overall figure provided as loans to applicants on a yearly basis.

This Annex sets out the reasons for the engagement of section 40(2) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of section 40(2) (Personal Data) of the Freedom of Information Act.

The Welsh Government believes that the overall figure provided as loans to applicants on a yearly basis should be exempt from disclosure. As a single loan has been issued to the successful applicant of the one plot referenced in our answers above, it would be inappropriate to share that figure, as it relates to personal information about others, who could be identified by other information in the public domain.

Section 40(2) 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 2018 (‘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, the information requested contains third party personal data.

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:-

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **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 interests

There is a legitimate public interest in understanding how public money is disbursed by government. Government policy, programmes and initiatives should be operated transparently, particularly where public money is being disbursed in line with the policy.

2. Is disclosure necessary?

The question of necessity of disclosure of the amount of money on this particular manner is not established, although it would be impossible to understand the amount spent of this policy area without knowing the value of this loan.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

The legitimate interests of the data subject will be affected in this case if the amount is disclosed, as this will place information that is their sensitive personal information (financial information) in the public domain. Their fundamental freedoms and interests must be balanced against any legitimate interest described above. Without a stronger argument as to why disclosure of this information is necessary, I do not find that the legitimate interest in openness and transparency alone are sufficient to merit overriding the data subject's fundamental rights and freedoms. The information is therefore withheld.