



Llywodraeth Cymru  
Welsh Government

21 May 2024

Dear ,

## **ATISN 20388**

### **Information requested**

Thank you for your request which I received on 22 March 2024 about the provision of broadband to Llanblethian. I wrote to you on 27 March 2024 and again on 22 April 2024.

You asked for the following information relating to the installation of Fibre to the Property broadband (FTTP) to connect only 33 houses in Llanblethian:

The various conversations & communications made by telephone, face to face, video conferencing, emails, file notes & letters between the Senedd & BT Openreach and also within BT Openreach leading to the implementation of this decision.

And:

1. On what cost/benefit basis did the WG believe it was necessary to fund the FTTP installation to only 33 Llanblethian properties?
2. What were the financial constraints/considerations leading to the WG's decision to exclude the provision of FTTP to the remainder of (some 200) Llanblethian properties?
3. Why, as our research indicates, the FTTC download speeds for the selected 33 properties was not significantly worse than other Llanblethian properties prior to the installation of FTTP, were they prioritised and allocated WG funding ahead of the rest of the village?
4. Why, given that the telephone pole providing FTTP is already installed on the corner of Piccadilly and less than 100 metres from Piccadilly houses, FTTP cannot be immediately provided to all Piccadilly residents?
5. Was any of the WG funding for the FTTP roll out in Llanblethian used for other purposes?
6. Clarification of what speed expectations and service reliability the 2018 roll-out of 'Super-fast Broadband' was intended to achieve, as many Llanblethian properties (currently on FTTC) cannot get the minimum speeds (24Mbs) for 'Super-Fast' Broadband as stated within Vaughan Gethin's letter.

### **Our response**

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.

It's important to note that The Freedom of Information Act gives individuals a right of access to recorded information held by a public authority at the time the request was received. It does not require us to provide views or opinions where those views are not already recorded. This is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information', page 7:

*"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."*

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>

With that in mind, I can confirm that Welsh Government does not hold any recorded information that could answer questions 1,2,3,4and 5.

I can confirm that we hold information in relation to your request for various conversations and communications etc. between the Welsh Government and Openreach, and also information in relation to question 6. This information is described in the enclosed list at Annex A. I have, however, decided that this information is exempt from disclosure under Section 43 (Commercial interests) and Section 21 (Information reasonably accessible by other means) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter.

### **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](mailto: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 under Section 21:

- Information about the location of premises within Llanblethian provided with access under the Welsh Government full fibre project with Openreach.
- Broadband type available at each of the premises provided with access to broadband under the project.

And the following information under Section 43:

- Download speeds available at premises before the project commenced.
- Deployment details including costs, network maps and street works notices.
- Detailed engineering information including equipment, cabling etc.
- Speed and service expectations from the 2018 Superfast Cymru deployment.

This Annex sets out the reasons for the engagement of section(s) 43 (Commercial interests) and Section 21 (Information reasonably accessible by other means) and our subsequent consideration of the Public Interest Test where appropriate.

### **Engagement of section 21 (Information reasonably accessible by other means) of the Freedom of Information Act.**

Information about the location of premises within Llanblethian and the broadband type available at each of the premises provided with access under the Welsh Government full fibre project with Openreach is available through the [Openreach online checker](#).

Section 21 is an absolute exemption and not subject to the public interest test.

### **Engagement of section 43 (Commercial Interests) of the Freedom of Information Act.**

The Welsh Government believes that information about the download speeds available at the premises before the project commenced, deployment details, service levels and the detailed engineering information should be exempt from disclosure. If this information were to be made public I believe it would be likely to prejudice Openreach's ability to fairly engage in future competitive processes for publicly funded roll-outs. I also believe that it would provide their competitors with access to commercially sensitive information about the costs, engineering solutions, service levels and location of the Openreach network which would provide competitors with an advantage.

### **Public Interest Test**

Section 43 is a public interest tested exemption. This means that, in order to withhold information under it, I have to demonstrate that the public interest in withholding outweighs the public interest in releasing it.

### **Public interest arguments in favour of disclosure**

I acknowledge there is a public interest in openness and transparency within government, particularly in terms of ensuring transparent and accountable government by disclosing how the Welsh Government spends public money. It is also recognised that the public have a right to know that the Welsh Government is investing public money wisely and that the awarding of public sector contracts is done fairly and within the rules.

### **Public interest arguments in favour of withholding**

The information is commercially sensitive which, if released, would be likely to be prejudicial to the commercial interests of Openreach as it is likely it would be used to the advantage of Openreach's competitors. The telecommunications market is very competitive and in addition to commercially driven roll-outs there continue to be opportunities for Openreach to compete for public funding to deliver broadband projects across the UK.

### **Balance of public interest test**

Whilst recognising the public interest of providing access to the information on balance, given the commercially sensitive nature of the information held, the competitive nature of the telecommunications industry and the forthcoming opportunities to compete for further public funding I believe that the public interest arguments are in favour of withholding the information. Accordingly, I am withholding this information under section 43 of the Freedom of Information Act.