

13 May 2024

Dear

Freedom of Information Request – ATISN 19477
Listing assessments for Porthmadog, Ffestiniog and Trawsfynydd
Communities

Thank you for your request of 14 April 2024. You asked that we provide a copy of all assessments carried out by Cadw for the listing of buildings of historic interest in the communities of Porthmadog, Ffestiniog and Trawsfynydd, irrespective of whether the buildings were listed or not.

Historically Cadw has not retained copies of all assessments undertaken. I have enclosed copies of all the information that we hold for these three communities. A list of the documents to be released is set out in Annex A.

I have redacted the names and email addresses of the recipients of the emails under Section 40(2) of the Freedom of Information Act. My reasoning for doing so is set out at Annex B of this letter.

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,

	Community	Address	Assessment Type	Date	Notes
Doc 1	Porthmadog	Porthmadog	Community Survey	30/06/2005	Overview
Doc 2	Porthmadog	10 Roche Terrace	Delisting	19/07/2005	Delisted
Doc 3	Porthmadog	Porthmadog	3x Listings	30/03/2006	Rejected
Doc 4	Porthmadog	Britannia Stores	Listing	08/05/2006	Rejected
Doc 5	Porthmadog	1 Bron Arfon	Listing	17/02/2008	Rejected
Doc 6	Porthmadog	Penamswer Chapel	Listing	16/03/2016	Rejected
Doc 7	Porthmadog	Glaslyn, Morfa Bychan	Listing	01/08/2022	Rejected
Doc 8	Ffestiniog	Minafon	Listing	20/02/2006	Rejected
Doc 9	Ffestiniog	Council Offices?	Listing	07/12/2006	Rejected*
Doc 10	Ffestiniog	Ffestiniog	Misc queries	30/04/2007	Round-up
Doc 11	Ffestiniog	Llechwedd & Maenofferen Quarries	Listing / Scheduling	19/06/2007	Overview
Doc 12	Ffestiniog	Tanymanod Hall	Delisting	06/07/2007	Delisted
Doc 13	Ffestiniog	The Smithy, Tynymaes	Delisting	06/07/2007	Delisted
Doc 14	Ffestiniog	Teila Mawr	Delisting	06/07/2007	Delisting rejected
Doc 15	Ffestiniog	Jones & Sons Builders	Desk assessment	19/07/2019	Listed
Doc 16	Ffestiniog	Jones & Sons Builders	Inspection assessment	25/02/2022	Listed
Doc 17	Ffestiniog	Market Hall	Listing	2020/03/20	Listed*
Doc 18	Trawsfynydd	Trawsfynydd	8x Delistings	18/07/2003	Delisted
Doc 19	Trawsfynydd	Trawsfynydd Nuclear Power Station	Listing	30/04/2010	Rejected
Doc 20	Trawsfynydd	Penstryd Smithy	Listing	12/04/2016	Rejected

* These may be references to the same building but from the information on file we cannot be definite.

Regulations 13 the Environmental Information Regulations 2004

I have decided to withhold the following information:

Information being withheld	Section number and exception name
Personal information of: - names and email addresses of Welsh Govt officials.	Regulation (13) of the Environmental Information Regulations: the information requested includes personal data of which the applicant is not the data subject.

Engagement of Regulation 13

Regulation 13 of the EIRs sets out an exception from the duty to disclose if the information requested is personal data protected by the General Data Protection Regulations (GDPR).

Personal data means information which relates to a living individual who can be identified from that data; or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

Guidance from the Information Commissioner's Office states:

- The starting point is to consider whether it would be fair to the data subject to disclose their personal data;
- If disclosure would not be fair, then the information is exempt from disclosure.

I have assessed that the individuals concerned would have a reasonable expectation that their personal data would be kept confidential and not disclosed to the world at large. It would be unfair to the individual concerned to release their personal data. Disclosure would give rise to unfair and unwarranted intrusion on the individuals' privacy and has the potential to cause unnecessary and unjustified harm to the individual.

I have thus concluded that in in this case, disclosure would not have been within the reasonable expectation of the individual and the loss of privacy would cause unwarranted distress. It is my view that disclosure of would breach the first data protection principle, and thus are exempt from release under regulations 12 and 13 of the Environmental Information Regulations 2004.

Freedom of Information Act 2000: Section 40(2)

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 personal data. Specifically, the names and email addresses of the officials and of correspondents.

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

Your request is for the correspondence, which is provided. There is a legitimate interest in understanding who the correspondence is with. This information has not been withheld. The contact details of officials and of correspondents may be

legitimately required in some circumstances, and as release under FOI is release to the world, there is a legitimate interest in seeing these addresses.

2. Is disclosure necessary?

The FOI entitles the requestor freedom of information, which in this case is the correspondence we hold. Although that correspondence captures the names and email addresses of the correspondents, I do not find that disclosure of this is necessary to understand the correspondence itself in context. For that reason I do not find that disclosure is necessary.

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

As disclosure is not necessary to understand the information you have requested in context, I do not need to balance the data subject's rights with legitimate interests and the information is withheld.