**Date issued:** 5th of January 2023

**Freedom of Information Request** 253/23

We are writing in response to your Freedom of Information request. Your request has been considered in accordance with the requirements of the Freedom of Information Act and our Data and Information Management Policy.

**YOU ASKED US…**

**Please provide a copy of any reports related to WELTAG stage one for the Wrexham Gateway. This includes:**

**- reports related to the Stage One study**

**- any business case document including any appendicitis**

**- formal papers discussing the report(s)**

**- communications with other parties (including Welsh Government, Wrexham University/ Wrexham Glyndwr University, Wrexham Council) discussing any final versions of the report(s)**

**- minutes from meetings where any final versions of the report(s) were discussed**

**RESPONSE**

Documents attached relating to WelTAG 1 Stage 1 Wrexham Gateway Access and Movement Study are as follows:

* Wrexham Gateway Access and Movement Study WelTAG Stage 1  :  Strategic Outline Case Stage 1 – April 2022
* Wrexham Gateway Access and Movement Study WelTAG Stage 1: Impacts Assessment Report – April 2022

Redacted versions of these documents are attached.

Please note that WelTAG is the Welsh Government Guidance on planning and appraisal for transport. It sets out a structured approach to planning programmes and projects that commences with exploring the case for change and moves through a series of steps in developing a programme or project, delivering it and finally reviewing it.

The objective of WelTAG Stage 1 is to explore a long list of options or ideas that help achieve the project objectives and to narrow that down to a short list which can be further explored and developed at WelTAG Stage 2 Outline Business Case.  At WelTAG Stage options are further explored based on a consideration of strategic fit, well being, affordability, deliverability and management.

It is important to note therefore that not all options short listed in the WelTAG 1 Report attached will necessarily be taken forward for implementation.

Communications  with  stakeholders including Welsh Government, Wrexham University and Wrexham Council   relating to final  versions of the report is undertaken through a Review Group process.  The Review Group for the Wrexham Gateway Access and Movement Study was held on  22nd March 2022.   This is documented in the WeLTAG Stage 1: Strategic Outline Case Report (Section 7.3 and 8.2).

A redacted version of the WelTAG Review

In relation to this ongoing process, your request has been considered and Transport for Wales are not obliged to supply this information for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires Transport for Wales, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

(a) states the fact,

(b) specifies the exemption in question and

(c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemptions apply:

**Section 36 – Prejudice to the effective conduct of public affairs**

**Section 40(2) – Personal Information**

**Section 36** of the Freedom of Information Act 2000 allows a public authority to refuse a request if disclosure would or would be likely to:

(a) inhibit the free and frank provision of advice or exchange or views: or

(b) otherwise prejudice the effective conduct of public affairs.

In order to apply this exemption, a qualified person has given their opinion in the first instance that Section 36 is engaged. This includes the circumstances of this particular case taking into account any relevant factors in order to reach their opinion.

**Factors favouring Disclosure**

When considering the application of this exemption Transport for Wales considered the public interest in disclosure demonstrating openness and transparency of process and furthering the understanding of its business to the wider world.

Transport for Wales is committed to recognising there is a strong public interest to demonstrate openness, transparency, and accountability with regards to the Freedom of Information legislation particularly in relation to an individual’s right to know.

**Factors favouring Non-Disclosure**

Transport for Wales do not consider that it is in the public interest to release details of ongoing plans into the public domain. Therefore, Transport for Wales considers that the following provisions apply:

**Section 36(2)(c)** “would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.”

The information redacted relates to a study carried out on behalf of the Welsh Government and is weighing up options and considerations for potential future works which may or may not come to fruition. Releasing some of this information into the public domain at this stage could seriously hinder the effective conduct of both Transport for Wales and the Welsh Government.

On balance, in this case, Transport for Wales feel that the argument for non-disclosure is stronger that the factors favouring disclosure.

**Section 40(2)** - Under this exemption, personal data should not be disclosed if this would contravene the data protection principles.

Personal data is defined by the General Data Protection Regulations (GDPR) as follows -

 **“‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person 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 that natural person”.**

**ICO guidance states the following –**

**When a public authority receives a request for information that constitutes personal data about its employees, it must decide whether disclosure would breach Principle 1 of the Data Protection Act (the DPA), ie whether it would be fair and lawful to disclose the information. Whether the disclosure is fair will depend on a number of factors including:**

 **• whether it is sensitive personal data;**

 **• the consequences of disclosure;**

 **• the reasonable expectations of the employees; and**

**• whether there is a legitimate interest in the public or requester having access to the information and the balance between this and the rights and freedoms of the data subjects.**

**In this case, we have identified that the name of this individual is personal data AND the release of this individuals name WOULD contravene the first principle of the DPA.**

TfW need to consider the likely impacts or consequences that disclosure personal information will have on the staff themselves. Data should not be disclosed if disclosure will cause unjustified adverse effects on the staff concerned.

It is important to remember that disclosure of personal information under the FOI is to “the world at large”.

The key question when it comes to disclosing personal information, is what is the harm that will arise from disclosure.

The individuals in question would not have any expectation that their name would be released into the public domain.

The potential negative impact which could arise from disclosure far outweighs any public interest. Release of the individuals name could lead to frequent communications amounting to harassment.

The negative impact on the individual and on TfW cannot be ignored.

We hope this information is of use to you.

Yours sincerely,

**Transport for Wales**

**Appeal Rights**

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the Head of Freedom of Information at either Transport for Wales, 3 Llys Cadwyn, Pontypridd, CF37 4TH or freedomofinformation@tfw.wales. Your request must be submitted within 40 working days of receipt of this letter. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision.

The Information Commissioner (ICO) can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or you can contact the ICO through the 'Make a Complaint' section of their website on this link: <https://ico.org.uk/make-a-complaint/>

The relevant section to select will be "Official or Public Information".