



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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# Welsh Language Commissioner's Public Freedom of Information Policy

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# Background

The principal aim of the Welsh Language Commissioner, an independent body established by the Welsh Language (Wales) Measure 2011, is to promote and facilitate use of the Welsh language. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles will underpin the work:

- In Wales, the Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so

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# 1 Purpose

- 1.1 This policy outlines the arrangements in place by the Welsh Language Commissioner to release information under the Freedom of Information Act (2000) and the Environmental Information Regulations (2004). It also contains information on how to submit a request under this legislation.

## 2 Your rights and how to submit a request

- 2.1 The Commissioner has undertaken to comply with the Freedom of Information Act (2000) [the 'act'] and the Environmental Information Regulations (2004) in full. The act provides a general right of access to all forms of 'recorded' information held by or on behalf of public authorities, subject to certain exemptions. These exemptions allow public authorities to withhold some or all of the information requested when a justifiable reason exists.
- 2.2 A public interest test favours disclosure where a conditional exemption applies. In such cases, the information can be withheld only if the public authority considers that the public interest resulting from withholding the information outweighs the public interest of disclosing it. There is guidance from the Information Commissioner's Office which explains how and when to apply a public interest test.
- 2.3 The Act helps people to better understand how public bodies implement their duties, make decisions and spend public money. Recorded information includes information on paper, computer and audio or visual tapes.
- 2.4 The Environmental Information Regulations work in a similar way to the Freedom of Information Act and relate to information held by a public authority regarding the natural or built environment.
- 2.5 The Welsh Language Commissioner's publication plan sets out the type of information the Commissioner intends to publish, the method of publication and whether the information is available to the public free of charge or as a result of payment of a fee.

### Submitting a request

- 2.6 If you request information, it will need to be in writing. You will also need to provide your name and address for correspondence and give a clear description of the information requested.
- 2.7 You should send your application to the Director of Governance and Corporate Services at the address below:
  - by email to the attention of the Director of Governance and Corporate Services via: [post@cyg-wlc.wales](mailto:post@cyg-wlc.wales); or

- by post to:  
 Limited: Personal  
 Director of Governance and Corporate Services  
 Welsh Language Commissioner  
 Uned 2, Bloc C  
 Doc Fictoria  
 Caernarfon  
 LL55 1TH; or
- via the [WhatDoTheyKnow.com](http://WhatDoTheyKnow.com) website..

2.8 The Commissioner will acknowledge receipt of all applications within 5 working days. The Commissioner will respond fully within 20 working days of receiving the request to confirm whether the requested information is held and if, subject to exceptions, it shares that information in an understandable form. The following would be exceptions to this:

- if the Commissioner has to transfer the request to another authority as the Commissioner does not hold the information and, as a result, the 20 day time limit commences when the transfer is received;
- if the Commissioner has to apply an exemption which asks for a public interest test, which allows the time limit to be extended;
- if a fee is payable, and therefore, the 20 days do not commence until the Commissioner has received the funds and it has cleared; or
- if the request is unclear therefore the 20 days do not commence until the Commissioner has received clarification regarding the request by those submitting it.

## Fees

2.9 The Commissioner will pay the majority of costs relating to compliance with information requests. However, the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations) allow the Commissioner to refuse requests for information where the cost of compliance would exceed the 'appropriate limit', as prescribed in the Regulations.

2.10 The Commissioner will charge fees in accordance with the Regulations. In estimating the cost of compliance with information requests, the Commissioner will consider the time spent by officers, which is subject to a fee of £25 p/h, involved in the following activities:

- determining whether the information is held;
- locating the information or documentation which may contain the information;
- retrieving the information or documentation which may contain the information; and
- extracting the information from a document.

- 2.11 Where it is estimated that the cost of compliance with a written request for information falls below £450 ("appropriate limit"), no fee is charged; however, the Commissioner may charge a fee for costs involved in reproducing information, postage and other kinds of information transfer. Under all circumstances where the Commissioner chooses to charge a fee for information published through its publication scheme or charges a fee resulting from a request for information, a fee notice will be provided to the applicant in accordance with the requirement of section 9 of the Act. Applicants will be required to pay any fees within 3 months which commences on the day on which the fee notice is provided.
- 2.12 Should the estimated cost of compliance with a request for information exceed £450 (the "appropriate limit") there is no obligation on the Commissioner to respond to the request. In such cases, the Commissioner will hold a discussion with the applicant regarding whether they wish to modify the request in order to reduce the cost.
- 2.13 If the Commissioner receives two or more related requests within 60 working days in succession, either from an individual or two or more individuals who appear to be working together or on a campaign trail, compliance costs relating to the requests will be consolidated. Should the estimated cost of compliance with the requests be added together and total more than £450, there will be no obligation on the Commissioner to comply with any such requests.
- 2.14 In general, the Commissioner will not provide information in response to a request where the cost exceeds £450. If the Commissioner decides to comply with such a request, in exceptional circumstances, it may charge a fee for the estimated time spent by officers retrieving and collating information, namely £25 p/h, along with the costs of informing applicants as to whether the Commissioner holds the information and the costs of transferring that information to them. This fee is subject to VAT where normal rates apply.
- 2.15 If the request for information is mixed, i.e. it includes a request for personal information and/or environmental information the request will be divided according to its constituent parts. The fee for environmental information will be charged according to the terms of the Environmental Information Regulations.

## 3 Commissioner's Arrangements

### Responsibilities

- 3.1 The Welsh Language Commissioner, as Accounting Officer, is accountable and responsible for Information Governance, and is ultimately responsible for determining policies which are relevant to information held by the Commissioner. The Accounting Officer provides assurance, through the annual Governance Statement, that all risks to the Commissioner, including risks relating to information, are controlled and mitigated effectively.
- 3.2 The Directors are responsible for ensuring that information which falls under the scope of their responsibility fully complies with those policies and procedures determined by the Welsh Language Commissioner, including information processed

by contractors, partners or other authorities working under any agreement with the Commissioner.

- 3.3 All officers are responsible for processing information according to information governance policies, procedures, guidance and the general framework determined by the Welsh Language Commissioner.
- 3.4 The Director of Governance and Corporate Services is responsible for administering all requests for access to information received by the Commissioner. The officer also provides a contact point for all the Commissioner's officers seeking advice on freedom of information issues.

### **Training**

- 3.5 The Commissioner will ensure that all officers receive training which is appropriate to their responsibilities under this policy and its associated procedures and guidance.
- 3.6 The Commissioner will also ensure that contractors and organisations working under service level agreements and partnership agreements are aware of their responsibilities to the Welsh Language Commissioner as data processors and have adequate means in place to ensure that they are able to carry out their responsibilities competently.

### **Monitoring, reviewing and reaching a decision**

- 3.7 The Commissioner keeps a record of every request for information made under the Freedom of Information Act and the steps taken in relation to each request for a certain period.
- 3.8 The Commissioner has procedures in place for undertaking systematic reviews of its arrangements which include examining its compliance with the Freedom of Information Act.
- 3.9 The Commissioner records every complaint made regarding its freedom of information arrangements and will ensure that any lessons learned following any such complaints are used to improve its policies and procedures.
- 3.10 This policy will be reviewed every two years to ensure that it remains current, effective and considers any emerging good practice. Where new legal directives come into force, the policy will be reviewed in accordance with the start date of that legislation.

### **Complaints or enquiries**

- 3.11 Should you have a complaint about the way in which the Commissioner has responded to a request for information under the Freedom of Information Act, you should ask the Commissioner to review its decision. A review will be held within 20 working days of receiving an appeal.

3.12 For further information, please refer to the *Complaints Procedure for Actions or Omissions in relation to exercising the Commissioner's Functions*. The review will be undertaken by the Commissioner's appropriate officers. Should you remain dissatisfied, you may raise the matter with the [Information Commissioner's Office](#).

## 4 The Welsh Language Commissioner's other public information governance policies

### Privacy Notice

4.1 The Commissioner's privacy notice lets you know what to expect when the Commissioner collects personal information including: the Commissioner's purpose for processing the information, retention periods and who the information will be shared with.

### Information Retention and Disposal Policy

4.2 The Commissioner's Information Retention and Disposal Policy determines for how long a record needs to be kept and the steps that should be taken when it has no further use.

### Welsh Language Commissioner's publication scheme

4.3 The Welsh Language Commissioner's publication scheme explains what information on the Commissioner and its work is released to the public as a matter of course.