

**Reference:** IR805

**Date issued:** 25 February 2022

## Conwy Energy Agency

I am writing in response to your request for information regarding the closure of Conwy Energy Agency.

For ease of reference, I have reproduced your request below in bold and set out our corresponding response.

**The Welsh Audit Office launched an investigation into the closure of Conwy Energy Agency.**

**This would have involved a number of agencies and organisations, including the Welsh European Funding Office, The Welsh Development Agency, and Conwy County Council.**

**I would like access to all information that informed this investigation, and the decision not to issue a formal report.**

I can confirm that the correspondence record details that the former Auditor General for Wales received correspondence in 2008 raising concerns about Conwy Energy Agency, and its use of public money. This was from a then-called 'Assembly Member', who asked us to look into public funding for the agency, and this work was treated as Public Accounts Committee correspondence.

I have made enquiries and liaised with audit colleagues and confirm that the initial correspondence to the Auditor General for Wales relating to this matter, and the decision not to issue a formal report are not held. In line with our Records Management Policy, most information is not retained beyond 6 years.

We are holding some information within scope of your request, however my view is that this is exempt from disclosure by virtue of section 33 of the Freedom of Information Act 2000. I have considered the balance of the public interest in maintaining that exemption. The exemption in section 33(2) of the Freedom of Information Act 2000 applies where disclosure of information would, or would be likely to prejudice audit functions. My view is that disclosure of investigation information would be likely to discourage communication and co-operation with auditors in future, thereby prejudicing audit functions. I have applied the public interest test and consider the balance lies in maintaining the exemption, on the basis that arguments in favour of disclosure such as transparency, do not outweigh the factors mentioned above in favour of applying the exemption.

Further, the information contains personal data, and I am of the view that this information is exempt from disclosure under section 40(2) of the Freedom of Information Act 2000, as disclosure would contravene the data protection principles of the Data Protection Act 2018. In withholding this information I have considered the ICO guidance on the disclosure of personal data <https://ico.org.uk/media/for-organisations/documents/2614720/personal-information-section-40-and-regulation-13-version-21.pdf>.

If you are dissatisfied with the handling of your request, you can request an internal review. Requests for internal reviews should be addressed to Martin Peters, Head of Law and Ethics, by email to [martin.peters@audit.wales](mailto:martin.peters@audit.wales) or by post to Audit Wales, 24 Cathedral Road, Cardiff, CF11 9LJ.

I must also refer you to section 50 of the Freedom of Information Act under which you may apply to the Information Commissioner for a decision on whether or not your request has been dealt with in accordance with the Act. The Information Commissioner's contact details are:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

email : [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

Tel: 01625 545745

Fax: 01625 524510

You should note, however, that the Information Commissioner will not ordinarily investigate a complaint until the internal review process has been exhausted. Further guidance may be found on the Information Commissioner's website: <https://ico.org.uk/>.

If you have any queries about the handling of your request, please do not hesitate to contact me.

Yours sincerely,

Information Officer