

**Welsh Government**

**Statutory Guidance to Risk  
Management Authorities**

**Flood and Water Management Act 2010**

**Section 13(1) - Cooperation and arrangements  
Section 14 - Power to request information**

**Laid before the National Assembly for Wales in accordance with Section  
8(6) of the Flood and Water Management Act 2010**

## Contents

<b>1. Introduction</b> .....	<b>3</b>
Who is it for? .....	3
Purpose .....	3
Background - Partnership Working and Flood Risk Management in Wales .....	4
Legislative basis .....	5
<b>2 Co-operation and arrangements: Section 13(1)</b> .....	<b>7</b>
Who are relevant authorities? .....	7
What are the flood and coastal erosion risk management functions? .....	7
The aims of co-operation .....	7
Benefits of cooperation .....	8
Sharing information and resources .....	8
Meeting local needs .....	9
<b>3 Power to request information: Section 14</b> .....	<b>10</b>
Who does Section 14 apply to? .....	10
Civil Sanctions and Appeals .....	10
What is information? .....	11
How to request information under Section 14 .....	11
<b>4 General principles of information requests</b> .....	<b>12</b>
Requests from Risk Management Authorities .....	12
Requests from persons who are not RMAs .....	15
<b>5 Legal considerations when requesting information or responding to information requests</b> .....	<b>16</b>
<b>Annex A - Risk Management Authorities in Wales</b> .....	<b>18</b>
<b>Annex B – Examples of Flood and Coastal Erosion Risk Management Functions</b> .....	<b>26</b>
Flood And Coastal Erosion Risk Management Function Example .....	26

# 1. Introduction

**Part 1 outlines the purpose of this guidance, who it is aimed at, and explains the wider background and legislative basis**

## Who is it for?

- 1.1 This guidance will primarily apply to the Risk Management Authorities<sup>1</sup> (RMAs), although other organisations and individuals, including members of the public that may have an interest, particularly if they are asked, or are likely to be asked, for information that they possess in relation to flood and coastal erosion risk management functions.

## Purpose

- 1.2 This document provides statutory guidance on the implementation of Sections 13(1) and 14 of the Flood and Water Management Act 2010<sup>2</sup>(the Act) in Wales.
- 1.3 The purpose of the guidance is to provide advice to enable RMAs to work together constructively to manage flood and coastal erosion risk. It also aims to ensure that when information is requested, it is done in an appropriate way.
- 1.4 Co-operation between RMAs is important because of the mutual benefits they can gain from working together and sharing information. The causes of flooding or coastal erosion can cross organisational boundaries and responsibilities. Innovative, co-ordinated and sustainable solutions will come from a willingness to co-operate and from active partnerships between RMAs, private landowners, businesses, Local Planning Authorities and communities affected.
- 1.5 It should be read in conjunction with the “Non Statutory Information Sharing advice<sup>3</sup> issued by the Environment Agency which provides, ‘good practice’ advice on sharing information between RMAs and has been prepared in consultation with key partners. This non statutory guidance will build on the principles contained within this document and includes information such as case studies, model agreements and data standards.

---

<sup>1</sup> Risk Management Authorities are defined within the Flood and Water Management Act 2010. Welsh Risk Management Authorities include the Environment Agency, Lead Local Flood Authorities, Internal Drainage Boards wholly or mainly in Wales, highways authorities and water companies that exercise functions in relation to areas in Wales (see Annex A for list of RMAs in Wales).

<sup>2</sup> [www.legislation.gov.uk/ukpga/2010/29/contents](http://www.legislation.gov.uk/ukpga/2010/29/contents)

<sup>3</sup> [link to the EA guidance](#)

- 1.6 The Welsh Government has also published the Flood Risk Management Community Engagement Toolkit<sup>4</sup> which draws lessons taken from research into the partnership working and community engagement elements of the three Pilot Studies undertaken at Barry, Prestatyn and Pwllheli and a sample of our programme of schemes supported by the European Regional Development Fund<sup>5</sup>(ERDF). The Toolkit aims to assist those responsible for flood risk management schemes or those who may be involved in wider flood risk management activity; and provide guidance on how to approach community engagement and partnership working.
- 1.7 The report presenting the findings of this research<sup>6</sup> which, together with reports into each of the three Pilot studies<sup>7</sup>, is available on the Welsh Government website. The lessons learned from these reports form the basis of this guidance.
- 1.8 The Toolkit is the initial step in providing guidance to support on community engagement for RMAs.

## **Background - Partnership Working and Flood Risk Management in Wales**

- 1.9 In 2007 the Welsh Government launched the New Approaches Programme<sup>8</sup>, which aimed to facilitate the move away from the traditional defence dominated approach to flooding and coastal erosion, to a more holistic risk management approach. Strong partnership working and communication were identified as key to the successful delivery of a risk management approach to flooding and coastal erosion and these were highlighted within the New Approaches Programme.
- 1.10 To support those principles, the Welsh Government launched three pilot flood alleviation studies at Barry, Prestatyn and Pwllheli. The projects were each exploring new ways of working, including strong partnership working and engaging with the public on flood risk issues. The same principles were applied to the conditions that are attached to the provision of capital funded programme supported by the ERDF under the Convergence and Regional Competitiveness programmes..
- 1.11 The evaluation into the pilot studies and sample of ERDF supported programme reported that partnership working was seen positively.

---

<sup>4</sup><http://wales.gov.uk/topics/environmentcountryside/epg/waterflooding/flooding/communities/toolkit/?lang=en>

<sup>5</sup> The European funded programme will support 28 projects that address flood risk. It aims to reduce flood risk for at least 2,700 people in Wales over six years. The Programme receives funding from the European Regional Development Fund (ERDF) -

<http://wales.gov.uk/topics/environmentcountryside/epg/waterflooding/flooding/convergence/?lang=en>

<sup>6</sup><http://wales.gov.uk/topics/environmentcountryside/epg/waterflooding/flooding/communities/toolkit/?lang=en>

<sup>7</sup> Pilot Reports -

<http://wales.gov.uk/topics/environmentcountryside/epg/waterflooding/flooding/studies/pilotstudies/?lang=en>

<sup>8</sup> The New Approaches Programme has now closed with the principles being taken forward through the National Strategy for Flood and Coastal Erosion Risk Management in Wales. A copy of the closure report is available on the Welsh Government website –

<http://wales.gov.uk/topics/environmentcountryside/epg/waterflooding/flooding/studies/newapproaches/?lang=en>

Overall, the idea of organisations working in partnership in order to manage flood risk was seen both positively and successfully by all members. Although most agreed that there were areas for improvement, working in partnership was perceived as making schemes stronger, as all organisations were working for one common goal.

- 1.12 Shortly after the launch of the New Approaches Programme the UK experienced a period of heavy rainfall resulting in the devastating flooding of summer 2007. Although Wales escaped the worst of the 2007 floods, England was badly affected and the UK Government asked Sir Michael Pitt to undertake a review of the flooding in England.
- 1.13 The Pitt Review highlighted that the agencies responsible for managing flood risk should be willing to work together and share information, and while it was primarily concerned with flood risk in England, the Welsh Government committed to learn the lessons of the Review in recognition of the risks of flooding across Wales.
- 1.14 Drawing on the findings of the Pitt Review, the UK and Welsh Governments consulted on proposals to change the policies and legislation underpinning our response to flooding and coastal erosion risk.
- 1.15 The resulting Flood and Water Management Act 2010 (the Act) identifies new responsibilities for flood and coastal erosion RMAs. Significantly, the Act places a statutory duty on all relevant authorities to co-operate (see paragraph 2.2).
- 1.16 Section 14 of the Act also gives Lead Local Flood Authorities (LLFAs)<sup>9</sup> and the Environment Agency the power to request information from other parties ('persons' in the Act) in connection with their flood and coastal erosion risk management functions<sup>10</sup>. Section 14 also gives the Welsh Ministers the power to request information in relation to their duty to develop, maintain and apply a National Strategy for flood and coastal erosion risk management in Wales.

## Legislative basis

- 1.17 Under Section 8 of the Act, the Welsh Ministers have developed a National Strategy for managing flood and coastal erosion risk in Wales. This strategy provides a framework for national flood and coastal erosion risk management. It sets out national objectives to manage all forms of flood and coastal erosion risk and how to achieve them. A copy of the

---

<sup>9</sup> In Wales Lead Local Flood Authority is a County or County Borough Council. All Local Authorities in Wales are Lead Local Flood Authorities.

<sup>10</sup> Flood risk management functions are defined in Section 4 of the Flood and Water Management Act 2010 and include certain specified functions under that Act, the Water Resources Act 1991, the Land Drainage Act 1991 and the Highways Act 1980. They also include functions under the Flood Risk Regulations 2009; these were added to the definition of a flood risk management function by the Flood Risk Management Function Order 2010.

Coastal erosion risk management functions are defined in Section 5 of the Flood and Water Management Act 2010 and include certain functions under that Act and the Coast Protection Act 1949.

National Strategy for Flood and Coastal Erosion Risk Management is available on the Welsh Government website<sup>11</sup>.

- 1.18 Section 8(5) of the Act states that Welsh Ministers may issue guidance about how the National Strategy should be applied. This is something the Welsh Government is currently considering. The Act also states that the Welsh Ministers may in accordance with Section 8(6), issue guidance about how Welsh RMA are to comply with duties relating to co-operation and requests for information under Sections 13(1) and 14.
- 1.19 Section 10 of the Act states that LLFAs have a duty to develop, implement and maintain a Local Flood Risk Management Strategy for their area. Local Strategies must be consistent with the National Strategy. Working together and exchanging information will be essential to develop and implement the National and Local Strategies.
- 1.20 All of the RMAs are required to act in a way that is consistent with the National Strategy and the Local Strategies. The only exception to this is water companies who must act in a way that is consistent with the National Strategy but need only have regard to the Local Strategies.

---

<sup>11</sup><http://wales.gov.uk/topics/environmentcountryside/epg/waterflooding/flooding/nationalstrategy/strategy/:jsessionid=nYwWPPVKFlsqyrfX6qp62VWh2JsMSyWnXXLfKq9PdkvB9CRyCl!1935070368?lang=en>

## 2 Co-operation and arrangements: Section 13(1)

**Part 2 details which authorities need to co-operate under Section 13 (1), what roles they carry out in managing flood and coastal erosion risk, and the benefits of co-operating and sharing information.**

- 2.1 Section 13(1) of the Act states that ‘A relevant authority must cooperate with other relevant authorities in the exercise of their flood and coastal erosion risk management functions’.

### Who are relevant authorities?

- 2.2 In Wales, relevant authorities means the Welsh Ministers and the RMAs, which includes:
- (a) the Environment Agency;
  - (b) lead local flood authorities for areas wholly in Wales;
  - (c) internal drainage boards for areas wholly or mainly in Wales;
  - (d) water companies that exercise functions in relation to areas in Wales;
  - (e) highway authorities for areas wholly in Wales.

See **Annex A** for the full list of RMAs in Wales.

### What are the flood and coastal erosion risk management functions?

- 2.3 Flood and coastal erosion risk management functions are legally defined in the Flood & Water Management Act 2010 (Sections 4 and 5). Various preceding Acts of Parliament which remain in force or are modified by the Act and the Flood Risk Management Functions Order 2010<sup>12</sup>. A non-exhaustive list of typical activities which might be carried out to deliver the functions is at **Annex B**. Therefore the new duty on organisations to co-operate applies to all aspects of flood and coastal erosion risk management in Wales.

### The aims of co-operation

- 2.4 The aim of the duty to co-operate between relevant authorities is to make sure that constructive and active engagement takes place. The Welsh Government will make sure they engage constructively with all RMAs, and expect the RMAs to do likewise. Co-operation is essential to help build local relationships between RMAs within and across operational boundaries.
- 2.5 The Environment Agency and LLFAs will often take the lead for flood and coastal erosion risk management. The Welsh Government and LLFAs will develop and maintain National and Local Strategies respectively. It is essential that other flood and coastal erosion RMAs offer their support if these Strategies are to produce effective results.

<sup>12</sup> [www.legislation.gov.uk/uk/si/2010/2232/contents/made](http://www.legislation.gov.uk/uk/si/2010/2232/contents/made)

- 2.6 Local strategies in particular will often involve managing different types of flooding. Working together, co-operating and understanding objectives will help all RMAs buy-in to the local strategies and the desired results.
- 2.7 Other RMAs, (including water companies and Internal Drainage Boards) can also take a lead role in cases where managing flood or coastal erosion risk is focused on their responsibilities.

### **Benefits of cooperation**

- 2.8 Co-operation involves organisations and individuals working together to achieve more effective results than they could achieve through working alone. This is supported by the findings from the research undertaken into the pilot schemes and sample of schemes supported by ERDF programme in Wales.
- 2.9 Co-operation is built on trust, good communication, sharing information and resources, and an improved understanding of the mutual benefits it can bring.
- 2.10 Co-operation respects the interests of those concerned, while at the same time promoting the wider interests of the group and its stakeholders. Often, clear leadership will be needed to establish the goals to work to, but co-operation is then essential to achieve those goals.

### **Sharing information and resources**

- 2.11 Working in partnership can help improve co-operation between RMAs. Partnerships can also help authorities improve their understanding of wider flood and coastal erosion risk management gaining greater understanding of partner organisation's expertise for example. This will enable them to better co-ordinate delivery in order to achieve multiple benefits. Where one authority may not be able to deliver a solution alone, another authority may be able to help. For example, an upstream authority could carry out work in agreement<sup>13</sup> with a downstream one.
- 2.12 To manage flooding and coastal erosion risks, it is essential to understand their causes and to assess feasible solutions. It is more likely that the most relevant information will be identified when everyone concerned clearly understands the objectives and potential benefits of a study or project, and willingly contributes information to support it. Discussions over objectives should take place at an early stage of the work.
- 2.13 RMAs should look to the future when planning work. This will enable them to easily share the information they collect, and help them work better together. This in turn will have benefits for the individual organisation, providing them with a greater knowledge base from which to make

---

<sup>13</sup> There is no formal agreement for setting up partnerships. These should be established on a case by case basis.

decisions. For example, extending information collection or surveys by a small extent can sometimes offer benefits to other areas of work.

- 2.14 Partnerships are a good way of formalising co-operation and collaboration arrangements between RMAs and others. Documents such as memoranda of understanding and information-sharing protocols can support these arrangements although such protocols should not become over bureaucratic and difficult to administer. Examples of effective partnership working are available in the Environment Agency's non statutory guidance and the Welsh Government's Flood Risk Management Community Engagement Toolkit.

### **Meeting local needs**

- 2.15 Partnerships need to be set up so that they meet local needs in the best way. They can be strategic or project specific. They can build on existing arrangements (such as sustainability forums, local resilience forums, or coastal partnerships), but any widening of the brief must be taken into account. They can cover a range of activities before, during and after a flood, such as sharing information, ways of working, communications, incident response, developing strategy, and designing new works. Partnerships can also be put into practice via Section 13(4) in the Act. This allows one authority to carry out the functions of another, either generally or for a particular project, location or duration.
- 2.16 RMAs should consider the following aspects when setting up partnerships:
- Clearly defined leader and membership roles;
  - governance and accountability for decision making;
  - agreed timetable
  - communication and engagement plans and establish target audience;
  - what information to share, and how to share it;
  - sharing resources, including clearly identifying roles of staff and use of funding;
  - co-ordinating delivery to gain efficiencies;
  - confirming legality of agreements and works established by the partnership;
  - ensuring compliance with other legal requirements covering procurement, habitats etc
- 2.17 The duty to request and share information is contained in Section 13(2). Under the principles of co-operation and partnership, RMAs are expected to readily comply with the duties under Section 13(1) and exchange information that will assist in flood and coastal erosion risk management without making charges. Memoranda of understanding or data sharing agreements can support this.

### 3 Power to request information: Section 14

**Part 3 looks at the authorities that have the power to request information, describes what is covered by the term information, and identifies issues to consider before using the power**

#### Who does Section 14 apply to?

- 3.1 Section 14(2) states the authorities that may request a person to provide information as the Environment Agency and LLFAs. The information requested must be in connection with the Environment Agency /LLFAs flood and coastal erosion risk management function.
- 3.2 The Welsh Ministers may also request a person to provide information related to a function in connection with the National Flood and Coastal Erosion Strategy in Wales.
- 3.3 A person means a legal person. This is any entity that has a legal status and includes a natural person, a company, a trust or a public body, and includes a risk management authority.
- 3.4 At all times, those authorities making requests should act reasonably. Whether a particular request is reasonable would ultimately be a matter for legal decision. However, the authority should remain aware of this principle at all times. What is reasonable depends on the details of the particular case and can differ, even in apparently similar circumstances.
- 3.5 A request made under Section 14 starts a process that the person receiving must comply with. In the event that they do not, the authority (EA, LLFA or Welsh Ministers) should further explain their power to make the information request under Section 14. They should also highlight that the information must be provided both in the form or manner and within the period specified in the request.

#### Civil Sanctions and Appeals

- 3.6 Section 15 of the Act provides for the authority (EA, LLFA or Welsh Ministers) to issue an enforcement notice against a person should they not comply with a request to provide information. If this notice is not complied with, then civil sanctions may be pursued. The civil sanctions take the form of a penalty notice and possible fines.

In the event that a penalty notice or fine is levied against a person, there is a right of appeal to the First Tier Tribunal<sup>14</sup>. This is set out in the Flood and Coastal Erosion Risk Management Information Appeal (Wales) Regulations 2011<sup>15</sup>

---

<sup>14</sup> A panel composed of a tribunal judge and up to two members all appointed by the Lord Chancellor, hear appeals at venues across Wales and England.

<sup>15</sup> [www.legislation.gov.uk/wsi/2011/865/made](http://www.legislation.gov.uk/wsi/2011/865/made).

## What is information?

3.7 Information means data, documents, facts, intelligence or advice in any recorded form, and is intended (for the purposes of this guidance) to have the same meaning as 'document' in the *Reuse of Public Sector Information Regulations 2005*<sup>16</sup>. It includes:

- paper files, notes, reports and other hard copy documents (hand written or typed);
- public registers;
- databases, spreadsheets;
- electronic documents;
- e-mails;
- drawings and plans;
- photographs, video or microfilm;
- data and information, which may be included in or with software; methodologies.

## How to request information under Section 14

3.8 When the Environment Agency, a LLFA or the Welsh Ministers request information they should follow the principles in paragraph 4.1. When making a request for information the requesting authority should explain:

- the context of the request,
- how the information will be used, and
- (to a level appropriate for the recipient) the overall objectives of the authority's work.

For example, a member of the public may benefit from greater explanation of the reasons for a request than another authority. Guidance for methods to engage appropriately with the public is contained with the Flood Risk Management Community Engagement Toolkit.

3.9 Requests for information under Section 14 cannot be charged for, nor any costs recovered on the part of those asked. The obligation under Section 14 to provide information is unconditional and there are not normally exceptions to this. Authorities must always consider if it is appropriate to request information.

3.10 All flood and risk management authorities are expected to follow the principles set out in Part 4 below when exchanging information, and to work in co-operation with each other as set out in Section 13 of the Act. Welsh Ministers commit to following the principles when making such requests. Other persons (see paragraph 3.1 below) do not have the same duties and will not necessarily have the same priorities as a risk management authority. Extra considerations for these are set out in paragraph 4.2 below.

---

<sup>16</sup> [www.legislation.gov.uk/uksi/2005/1515/contents/made](http://www.legislation.gov.uk/uksi/2005/1515/contents/made)

## 4 General principles of information requests

**Part 4 sets out good principles to follow when information is sought. It applies to sharing information between RMAs as part of Section 13 of the Act, and where requests for information are made under Section 14.**

### Requests from Risk Management Authorities

4.1 The following principles are set out to help ensure information requests and responses from RMAs are reasonable. Where a request for information is made of a person or organisation that is not a RMA, there are some additional considerations listed in paragraph 4.2 below. Prior contact with those being asked for information is more likely to lead to reasonable requests being made.

<b>Principles</b>	<b>Requesting relevant authority should</b>	<b>Responding relevant authority should</b>
<b>1 – Do you already hold the information?</b>	Ensure that anyone requesting information can confirm that they do not already hold the data within their organisation.	N/A
<b>2 – Written requests and emergencies</b>	<p>Follow up all oral requests for co-operation and information in writing (email is sufficient) so that the request is clear;</p> <p>Identify if the request is being made during a genuine emergency, and that written requests may not always be possible;</p> <p>Follow up with confirmation once emergency has passed</p>	<p>Ask that all oral requests for cooperation are followed up in writing (e-mail is sufficient) so that the request is clear;</p> <p>Accept that during periods of genuine emergency written requests may not always be possible.</p>
<b>3 – Reasons for request and acknowledgement</b>	<p>Explain in non-technical terms why they are asking for the information and how it will be used in the context of their overall flood and coastal erosion risk management functions;</p> <p>Include where relevant, reference to any legislation</p>	<p>Acknowledge request and advise as soon as practicable:</p> <ul style="list-style-type: none"> <li>• on any areas of overlap with other work;</li> <li>• if there are any issues and seek further explanation, if necessary;</li> <li>• what information is likely to be provided;</li> </ul>

	<p>that the request is linked to;</p> <p>Indicate that the information will only be used for specified flood and coastal erosion risk management functions;</p> <p>Make sure that the information will only be used for purposes within the remit of flood and coastal erosion risk management.</p>	<ul style="list-style-type: none"> <li>• when a full response will be available;</li> <li>• if they do not hold this information or consider they are not able to provide it for legal reasons;</li> <li>• indicate other possible sources for it, if this is the case.</li> </ul>
<p><b>4 – Specifics and detail of information request</b></p>	<p>Discuss the specific quantity, quality and format of information needed with the responding authority or person before asking for it to make sure the request is reasonable.</p> <p>Consider and list the specific form and format of information requested, making sure to avoid blanket requests for all data.</p> <p>Decide whether to proceed and confirm request or cancel request.</p> <p>Assess if information received is fit for purpose before using it.</p> <p>Before using information, take account of any licence conditions, limitations etc.</p>	<p>Provide the specific information:</p> <ul style="list-style-type: none"> <li>• as requested, where they are able after checking that they have not already provided the information;</li> <li>• in the format requested where it is held in that format or where it can be converted without unreasonable amounts of work</li> <li>• explain early on if there are any issues about providing the information, such as where it is in draft and subject to modification, or format changes are not practicable;</li> <li>• explain whether there are any issues around third party rights or confidentiality that may affect providing the information;</li> <li>• explain how long the information will remain valid for and frequency of any updates;</li> <li>• explain any limitations on using the data, such as</li> </ul>

		intellectual property, Data Protection Act, and fitness for purpose.
<b>5 Highlight specific advice</b>	Highlight where specific advice might be requested on a topic, or regarding the use of data requested. When requesting advice, ensure this is focussed on the key areas of interest.	Provide the advice and explain early on if there are any issues, after checking that they have not already provided the advice elsewhere.
<b>6 Timescales</b>	<p>Request information within reasonable timescales, which will depend on the nature and circumstances of the request, and of the authority or person responding;</p> <p>List and explain basis of the timescales;</p> <p>Reasonable should be taken to mean the same as under Environmental Information Regulations (Section 5(2)). This usually allows a maximum of 20 working days to provide the response;</p> <p>During periods of genuine emergency, seek cooperation as soon as possible to meet needs.</p>	<p>Co-operate within reasonable timescales, which will depend on the nature and circumstances of the request;</p> <p>During periods of genuine emergency, the authority should cooperate as soon as possible to meet needs;</p> <p>Explain early on if there are any issues in meeting them.</p>
<b>7 – Next Steps</b>	Explain what will happen next and where and when further co-operation is likely to be requested.	Raise any issues about future plans to use the information and highlight opportunities for possible cooperation in future working.
<b>8 – Further information and clarity of request</b>	Provide further details, if requested.	Ask for further details to understand the request as early as possible.
<b>9 – Meet in person to discuss request</b>	Meet and discuss (virtually or in person) to explain further, if asked to do so, within a reasonable timescale.	Be prepared to meet and discuss (virtually or in person), if requested, within a reasonable timescale.

## Requests from persons who are not RMAs

4.2 The following extra considerations apply when requesting information from persons or organisations who are not RMAs:

Principle 2 (Written Requests) - a request should:

- a) be made via a letter or from an official email account within the authority, to confirm its legitimacy;
- b) clarify that the authority is able to ask for the information under the Act, and that it relates to its flood and coastal erosion risk management functions;
- c) make clear that the request is being made under Section 14, using such wording as 'This authority is / I am requesting information under Section 14 of the Flood & Water Management Act 2010';
- d) include supporting information to act as background to (b) and (c) by referring to the Act, this guidance, or pre-prepared explanations.

Principle 2 (Written Requests) - timescales for requests made in an emergency need to acknowledge that the person it is made to may not have an emergency role, or conversely may be dealing with an emergency themselves.

Principle 6 (Timescales) - reasonable timescales will depend on the amount and type of information being requested. Timescales should note that information may not be kept in the form requested. They also need to take account of the business or other needs of the person to whom the request is made.

## 5 Legal considerations when requesting information or responding to information requests

**Part 5: This part highlights some of the other general legal provisions about requesting and providing information.**

- 5.1 Requests for information or responses are subject to the general principles of information law. Everyone involved must adhere to this. Depending on the circumstances, specific legal advice should be sought. This guidance is not a definitive statement of information law, but you should consider the following when seeking information from others.
- 5.2 Any information provided under Section 13(1) or 14 should only be used for flood and coastal erosion management risk functions. Should there be a wish, or need, to use the information for other purposes the person providing the information should normally be consulted, unless the person providing the information explicitly permits (in writing) it to be used for other activities.
- 5.3 Information requested under Section 13 (1) or 14 which is identified as personal data, as prescribed by the Data Protection Act 1998 (DPA), may legitimately withheld, if sharing that information would breach the DPA. In such a case however, information may be amended by de-personalising it so that it can be provided without infringing the DPA. It is not justification for a blanket refusal to provide anything when requested.
- 5.4 The responding authority or person should indicate what restrictions or sensitivities are in the information when it is provided. This includes metadata (information about the nature of a data set) associated with detailed data which must include the currency of the information and frequency of any updates. They should let the person receiving the information know about any data quality problems, its fitness for purpose and other related issues; for example, if data is only valid for a certain period of time and if it is subject to being updated in the future. The authority asking for the information should not presume that if this supporting information is not provided, then there are no limits on using it. These issues should be discussed and confirmed between the two parties.
- 5.5 The authority or person providing the information may need to be reassured that it will not be used or released inappropriately, particularly if it is sensitive. They may provide the information under a licence containing terms and conditions of use. For example, including a condition that allows the data owner an opportunity to comment on information before it is published.

- 5.6 Under the Environmental Information Regulations (EIR)<sup>17</sup>, a public authority receiving the information may be asked to disclose any information provided to them. Similar to Freedom of Information legislation some information (such as commercially sensitive data) may be exempted from release under the EIR. However, there may be situations where there is still an obligation to disclose it. Where a public authority receives a request for any information shared under Section 13 or 14, that public authority should, normally, consult with the party who provided the information prior to the public authority deciding whether the information should be released or not.
- 5.7 If the information contains or has used third-party intellectual property, the responding authority or person should check whether they have the rights to provide it. If this is not clear, the recipient should check with the respondent whether they have the rights to use it.
- 5.8 If the information requests relate to flood risk management functions that are also subject to the Civil Contingencies Act 2004 then all involved should be mindful of the requirements of that Act. Under the CCA 2004 and the Contingency Planning Regulations 2005, Category 1 and 2 responders have a duty to share information with other Category 1 and 2 responders. This is required for those responders to fulfil their duties under the CCA. Information sharing is also encouraged as being good practice. The initial presumption is that all information should be shared, however the release of some information, and of information to some audiences, may need to be controlled.
- 5.9 Not all information can be shared, and Category 1 and 2 responders can claim exceptions in certain circumstances (and thus not supply information as requested). Exceptions under this Act and the Regulations relate to sensitive information only. Where the exceptions apply, a Category 1 or 2 responder must not disclose the information. A Category 1 or 2 responder must refuse to comply with an information request if the information is sensitive and if it has reasonable grounds to believe that complying with the request would compromise that information. If a Category 1 or 2 responder refuses to disclose information on this basis, it must give reasons for so doing, unless the information is sensitive by virtue of its impact on national security. It should be noted, however, that this exception is only rarely likely to be available, as generally there will be no robust reason to expect that information would be passed on.
- 5.10 There are four different kinds of sensitive information as defined by the Regulations:
- information prejudicial to national security
  - information prejudicial to public safety
  - commercially sensitive information
  - personal data

---

<sup>17</sup> [www.legislation.gov.uk/ukxi/2004/3391/contents/made](http://www.legislation.gov.uk/ukxi/2004/3391/contents/made)

## Annex A - Risk Management Authorities in Wales

### Environment Agency Wales

The Agency is a Welsh Government Sponsored Public Body, whose principal aims are to protect and improve the environment, and to promote sustainable development.

<b>Head Office</b>  Tŷ Cambria House 29 Newport Road Cardiff CF24 0TP	<b>South West Area Office</b>  Maes Newydd Llandarcy Neath Port Talbot SA10 6JQ
<b>South East Area Office</b>  Rivers House St Mellons Business Park Fortran Road St Mellons Cardiff CF3 0EY	<b>Northern Area Office</b>  Ffordd Penlan Parc Menai Bangor Gwynedd LL57 4DE
<b>Phone Number:</b> 08708 506506 <b>Email:</b> <a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a> <b>Website:</b> <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a>	
<b>Floodline</b>  <b>Phone Number:</b> 0845 988 1188 (24 hour service) <b>Type Talk:</b> 0845 602 6340	

## Lead Local Flood Authorities in Wales

A Lead Local Flood Authority (LLFA), in relation to an area in Wales is either:

- a) the county council for the area; or
- b) the county borough council for the area.

There are 22 county or county borough councils in Wales (listed below)

<p><b>Blaenau Gwent County Borough Council</b></p> <p>Civic Centre Ebbw Vale Blaenau Gwent NP23 6XB</p> <p><b>Phone Number:</b> 01495 311556 <b>Minicom:</b> 01495 355959 <b>Email address:</b> <a href="mailto:info@blaenau-gwent.gov.uk">info@blaenau-gwent.gov.uk</a> <b>Website:</b> <a href="http://www.blaenau-gwent.gov.uk">www.blaenau-gwent.gov.uk</a></p>	<p><b>Bridgend County Borough Council</b></p> <p>Civic Offices Angel Street Bridgend CF31 4WB</p> <p><b>Phone number:</b> 01656 643643 <b>Fax:</b> 01656 668126 <b>Email address:</b> <a href="mailto:talktous@bridgend.gov.uk">talktous@bridgend.gov.uk</a> <b>Website:</b> <a href="http://www.bridgend.gov.uk">www.bridgend.gov.uk</a></p>
<p><b>Caerphilly County Borough Council</b></p> <p>Tŷ Penallta House Tredomen Park Ystrad Mynach Hengoed CF82 7PG</p> <p><b>Phone number:</b> 01443 815 588 / 01495 226 622 <b>Out of hours emergency:</b> 01443 875 500 <b>Text phone:</b> 01443 863 474 <b>Email address:</b> <a href="mailto:info@caerphilly.gov.uk">info@caerphilly.gov.uk</a> <b>Website:</b> <a href="http://www.caerphilly.gov.uk">www.caerphilly.gov.uk</a></p>	<p><b>Cardiff Council</b></p> <p>County Hall Atlantic Wharf Cardiff CF10 4UW</p> <p><b>Phone number:</b> (English) 02920 872087 Phone number: (Cymraeg) 02920 872088 <b>Text phone:</b> 02920 872085 <b>Fax:</b> 029 2087 2086 <b>Email address:</b> <a href="mailto:c2c@cardiff.gov.uk">c2c@cardiff.gov.uk</a> <b>Website:</b> <a href="http://www.cardiff.gov.uk">www.cardiff.gov.uk</a></p>
<p><b>Carmarthenshire County Council</b></p> <p>County Hall Carmarthen Carmarthenshire SA31 1JP</p> <p><b>Phone number:</b> 01267 234 567 <b>Email address:</b> <a href="mailto:direct@carmarthenshire.gov.uk">direct@carmarthenshire.gov.uk</a> <b>Website:</b> <a href="http://www.carmarthenshire.gov.uk">www.carmarthenshire.gov.uk</a></p>	<p><b>Ceredigion County Council</b></p> <p>Neuadd Cyngor Ceredigion Penmorfa Aberaeron Ceredigion SA46 0PA</p> <p><b>Phone number:</b> 01545 570 881 <b>Email address:</b> <a href="mailto:reception@ceredigion.gov.uk">reception@ceredigion.gov.uk</a> <b>Website:</b> <a href="http://www.ceredigion.gov.uk">www.ceredigion.gov.uk</a></p>

<p><b>Conwy County Borough Council</b></p> <p>Bodlondeb Conwy North Wales LL32 8DU</p> <p><b>Phone number:</b> 01492 574 000 <b>Fax:</b> 01492 592 114 <b>Email address:</b> <a href="mailto:information@conwy.gov.uk">information@conwy.gov.uk</a> <b>Website:</b> <a href="http://www.conwy.gov.uk">www.conwy.gov.uk</a></p>	<p><b>Denbighshire County Council</b></p> <p>County Hall Wynnstay Road Ruthin Denbighshire LL15 1YN</p> <p><b>Phone number:</b> 01824 706 000 <b>Customer service centre:</b> 01824 706 100 (Cymraeg), 01824 706 101 (English) <b>Minicom:</b> 01824 706170 <b>Fax:</b> 01824 706180 <b>Email address:</b> <a href="mailto:customerservice@denbighshire.gov.uk">customerservice@denbighshire.gov.uk</a> <b>Website:</b> <a href="http://www.denbighshire.gov.uk">www.denbighshire.gov.uk</a></p>
<p><b>Flintshire County Council</b></p> <p>County Hall Mold Flintshire CH7 6NB</p> <p><b>Phone number:</b> 01352 752121 <b>Email address:</b> <a href="mailto:info@flintshire.gov.uk">info@flintshire.gov.uk</a> <b>Website:</b> <a href="http://www.flintshire.gov.uk">www.flintshire.gov.uk</a></p>	<p><b>Gwynedd County Council</b></p> <p>Council Offices Shirehall Street Caernafon Gwynedd LL55 1SH</p> <p><b>Phone number:</b> 01766 771000 <b>Fax:</b> 01286 673 993 <b>Website:</b> <a href="http://www.gwynedd.gov.uk">www.gwynedd.gov.uk</a></p>
<p><b>Isle of Anglesey County Council</b></p> <p>Council Offices Llangefni Anglesey LL77 7TW</p> <p><b>Phone number:</b> 01248 750057 <b>Website:</b> <a href="http://www.anglesey.gov.uk">www.anglesey.gov.uk</a></p>	<p><b>Merthyr Tydfil County Borough Council</b></p> <p>Civic Centre Castle Street Merthyr Tydfil CF47 8AN</p> <p><b>Phone number:</b> 01685 725000 <b>Email address:</b> <a href="mailto:customer.care@merthyr.gov.uk">customer.care@merthyr.gov.uk</a> <b>Website:</b> <a href="http://www.merthyr.gov.uk">www.merthyr.gov.uk</a></p>
<p><b>Monmouthshire County Council</b></p> <p>County Hall Cwmbran Gwent NP44 2XH</p> <p><b>Phone number:</b> 01633 644644 <b>Fax:</b> 01633 644 666 <b>Email address:</b> <a href="mailto:contact@monmouthshire.gov.uk">contact@monmouthshire.gov.uk</a> <b>Website:</b> <a href="http://www.monmouthshire.gov.uk">www.monmouthshire.gov.uk</a></p>	<p><b>Neath Port Talbot County Borough Council</b></p> <p>Port Talbot Civic Centre Port Talbot SA13 1PJ</p> <p><b>Phone number:</b> (English) 01639 686868, <b>Phone number:</b> (Cymraeg) 01639 686869 <b>Fax:</b> 01639 763444 <b>Email address:</b> <a href="mailto:fcs@npt.gov.uk">fcs@npt.gov.uk</a> <b>Website:</b> <a href="http://www.neath-porttalbot.gov.uk">www.neath-porttalbot.gov.uk</a></p>

<p align="center"><b>Newport City Council</b></p> <p align="center">Civic Centre Newport South Wales NP20 4UR</p> <p><b>Phone number:</b> 01633 656656 <b>Minicom:</b> 01633 656657 <b>Fax:</b> 01633 244721 <b>Email address:</b> <a href="mailto:info@newport.gov.uk">info@newport.gov.uk</a> <b>Website:</b> <a href="http://www.newport.gov.uk">www.newport.gov.uk</a></p>	<p align="center"><b>Pembrokeshire County Council</b></p> <p align="center">County Hall Haverfordwest Pembrokeshire SA61 1TP</p> <p><b>Contact centre:</b> 01437 764 551 <b>Out of hours emergency:</b> 0845 601 5522 <b>Fax:</b> 01437 775 303 <b>Email address:</b> <a href="mailto:enquiries@pembrokeshire.gov.uk">enquiries@pembrokeshire.gov.uk</a> <b>Website:</b> <a href="http://www.pembrokeshire.gov.uk">www.pembrokeshire.gov.uk</a></p>
<p align="center"><b>Swansea City and County Council</b></p> <p align="center">Civic Centre Oystermouth Road Swansea SA1 3SN</p> <p><b>Phone number:</b> 01792 636 000 <b>Website:</b> <a href="http://www.swansea.gov.uk">www.swansea.gov.uk</a></p>	<p align="center"><b>Torfaen County Borough Council</b></p> <p align="center">Civic Centre Pontypool Torfaen NP4 6YB</p> <p><b>Phone number:</b> 01495 762200 <b>Fax:</b> 01495 755513 <b>Email address:</b> <a href="mailto:your.call@torfaen.gov.uk">your.call@torfaen.gov.uk</a> <b>Website:</b> <a href="http://www.torfaen.gov.uk">www.torfaen.gov.uk</a></p>
<p align="center"><b>Powys County Council</b></p> <p align="center">County Hall Llandrindod Wells Powys LD1 5LG</p> <p><b>General enquiries number:</b> 0845 055 2155 <b>Out of hours emergency:</b> 0845 054 4847 <b>Email address:</b> <a href="mailto:customer@powys.gov.uk">customer@powys.gov.uk</a> <b>Website:</b> <a href="http://www.powys.gov.uk">www.powys.gov.uk</a></p>	<p align="center"><b>Rhondda Cynon Taf County Borough Council</b></p> <p align="center">Headquarters The Pavilions, Cambrian Park Clydach Vale Tonypany CF40 2XX</p> <p><b>General enquiries number:</b> 01443 424000 <b>Out of hours emergency:</b> 01685 876 831 <b>Website:</b> <a href="http://www.rhondda-cynon-taf.gov.uk">www.rhondda-cynon-taf.gov.uk</a></p>

<p><b>Vale of Glamorgan Council</b></p> <p>Civic Offices Holton Road Barry CF63 4RU</p> <p><b>Phone number:</b> 01446 700111 <b>Website:</b> <a href="http://www.valeofglamorgan.gov.uk">www.valeofglamorgan.gov.uk</a></p>	<p><b>Wrexham County Borough Council</b></p> <p>The Guildhall Wrexham LL11 1AY</p> <p><b>Phone number:</b> 01978 292000 <b>Minicom:</b> 01978 292067 <b>Email address:</b> <a href="mailto:webmaster@wrexham.gov.uk">webmaster@wrexham.gov.uk</a> <b>Website:</b> <a href="http://www.wrexham.gov.uk/">www.wrexham.gov.uk/</a></p>
---	--

Draft

## Internal Drainage Boards (IDBs) in Wales

An IDB, as referred to in the Flood and Water Management Act 2010, has the same meaning as in section 1 of the Land Drainage Act 1991<sup>18</sup>.

IDBs were set up in areas of special drainage need to sustain both agricultural and developed land use. The principal function of IDBs is to manage water levels in their areas to minimise the flood risk and supply water (irrigation) to people, property and land. IDBs have a duty to “exercise a general supervision over matters relating to the drainage of land” in their areas.

Much of their work involves water level management by improving and maintaining rivers, drainage channels and pumping stations for social, environmental and agricultural benefit. IDB membership includes elected members representing the occupiers of the land in the district and members nominated by Local Authorities to represent other local interests.

In Wales there are three IDB's (listed below) and there are a further 11 drainage districts in North Wales that are administered by the Environment Agency Wales.

<p><b>Caldicot &amp; Wentlooge Levels IDB</b></p> <p>Pye Corner Broadstreet Common Nash Newport NP18 2BE</p> <p><b>Phone number:</b> 01633 275922 <b>Fax:</b> 01633 281155 <b>Website:</b> <a href="http://www.caldandwentidb.gov.uk">www.caldandwentidb.gov.uk</a> <b>Email:</b> <a href="mailto:admin@caldandwentidb.gov.uk">admin@caldandwentidb.gov.uk</a></p>	<p><b>Lower Wye IDB</b></p> <p>Pye Corner Broadstreet Common Nash Newport NP18 2BE</p> <p><b>Phone number:</b> 01633 275922 <b>Fax:</b> 01633 281155 <b>Website:</b> <a href="http://www.lowerwyeidb.org.uk">www.lowerwyeidb.org.uk</a> <b>Email:</b> <a href="mailto:admin@caldandwentidb.gov.uk">admin@caldandwentidb.gov.uk</a></p>
<p><b>Powysland IDB</b></p> <p>Wern Farm Burgedin Welshpool SY21 9LQ</p> <p><b>Phone number:</b> 01691 650200 <b>Website:</b> <a href="http://www.powyslandidb.org.uk">www.powyslandidb.org.uk</a> <b>Email:</b> <a href="mailto:Gaw001@gmail.com">Gaw001@gmail.com</a></p>	

<sup>18</sup> Section 1 of the Land Drainage Act 1991, available from - [www.legislation.gov.uk/ukpga/1991/59/section/1](http://www.legislation.gov.uk/ukpga/1991/59/section/1)

## Water Companies in Wales

A 'water company' means a company which holds:

- an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991<sup>19</sup>; or
- a licence under Chapter 1A of Part 2 of that Act.

<p><b>Dŵr Cymru - Welsh Water *</b></p> <p>Pentwyn Road Nelson Treharris CF46 6LY</p> <p><b>Head office phone number:</b> 01443 452300</p> <p><b>Customer services:</b> 0800 052 0140</p> <p><b>Website:</b> <a href="http://www.dwrcymru.co.uk">www.dwrcymru.co.uk</a></p>	<p><b>Severn Trent Water Ltd</b></p> <p>Customer Relations Sherbourne House St Martin's Road, Finham Coventry CV3 6SD</p> <p><b>Tel:</b> 024 7771 5000</p> <p><b>Website:</b> <a href="http://www.stwater.co.uk">www.stwater.co.uk</a></p>
<p><b>Dee Valley</b></p> <p>Packsaddle Wrexham Road, Rhostyllen Wrexham LL14 4EH</p> <p><b>Customer Services number:</b> 01978 833200</p> <p><b>Fax:</b> 01978 846888</p> <p><b>Leakline:</b> 0800 298 7112</p> <p><b>Emergency:</b> 01978 846946</p> <p><b>Email:</b> <a href="mailto:contact@deevalleygroup.com">contact@deevalleygroup.com</a></p> <p><b>Website:</b> <a href="http://Dee Valley Group">Dee Valley Group</a></p>	<p><b>Albion Water Limited</b></p> <p>78 High Street Harpenden Herts AL5 2SP</p> <p><b>Phone number:</b> 01582 767720</p> <p><b>Emergencies:</b> 0800 917 5819</p> <p><b>Email:</b> <a href="mailto:info@albionwater.co.uk">info@albionwater.co.uk</a></p> <p><b>Website:</b> <a href="http://www.albionwater.co.uk">www.albionwater.co.uk</a></p>
<p><b>Scottish &amp; Southern Water</b></p> <p>Scottish and Southern Energy plc. Inveralmond House 200 Dunkeld Road Perth PH1 3AQ</p> <p><b>Phone number:</b> 0845 744 4555</p> <p><b>Website:</b> <a href="http://www.sse.com/Home/">http://www.sse.com/Home/</a></p>	

\* Covers most of Wales.

<sup>19</sup> Water industry Act 1991, available from - [www.legislation.gov.uk/ukpga/1991/56/contents](http://www.legislation.gov.uk/ukpga/1991/56/contents)

## Highways Authority

A Highway Authority has the same meaning given by section 1 of the Highways Act 1980<sup>20</sup>. Local Authorities in Wales act as highway authorities in respect of local roads<sup>21</sup>.

Draft

---

<sup>20</sup> Highways Act 1980, available from - [www.legislation.gov.uk/ukpga/1980/66](http://www.legislation.gov.uk/ukpga/1980/66)

<sup>21</sup> The Welsh Government is responsible for trunk roads and motorways in Wales.

## Annex B – Examples of Flood and Coastal Erosion Risk Management Functions

Activity	Flood and Coastal Erosion Risk Management Function Example
Building	flood or erosion defences, drainage in roads, sewers
Cleaning	culverts, gulleys.
Co-operating	working together and co-ordinating activities
De-commissioning	a weir, a flood defence, a reservoir.
Defending	a property, a town, a SSSI.
Development planning	ensuring development takes place without worsening flood risk.
Dredging	a watercourse.
Draining	a highway, a new development.
Forecasting	rainfall, flooding, a tidal surge.
Improving	roads, safety of structures.
Informing	provision of information or data.
Investigating	which authority has relevant functions when a flood occurs and whether they have been exercised.
Maintaining	rivers, structures, drainage systems, sea defences.
Managing	strategies, studies, schemes.
Mapping	historic or predicted flooding.
Monitoring	beach profiles, river flows, asset condition.
Planning	strategies, studies, schemes.
Protecting	people, the environment, infrastructure.
Recovery	after a flood.
Replacing	drain covers, safety signs.
Reporting	to government.
Responding	to an incident.
Supervising	site works, flood risk.
Surveying	defence levels, asset locations, flood extents.
Warning	about flooding, erosion rates.