

## **Rheoliadau Gwybodaeth Amgylcheddol 2004 (EIR)**

### **Hysbysiad penderfynu**

**Dyddiad:** 28 Mawrth 2024

**Awdurdod Cyhoeddus:** Cyfoeth Naturiol Cymru  
**Cyfeiriad:** Tŷ Cambria  
Heol Casnewydd  
Caerdydd

#### **Y penderfyniad (gan gynnwys unrhyw gamau y gorchmynnir eu cymryd)**

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1. Gofynnodd yr achwynydd am wybodaeth gan Cyfoeth Naturiol Cymru (yr awdurdod cyhoeddus). Erbyn dyddiad yr hysbysiad hwn, roedd yr awdurdod cyhoeddus heb anfon ymateb o sylwedd i'r cais hwnnw.
2. Penderfyniad y Comisiynydd yw bod yr awdurdod cyhoeddus wedi methu ag ymateb i'r cais o fewn 20 diwrnod gwaith ac felly wedi torri rheoliad 5(2) o'r EIR.
3. Mae'r Comisiynydd yn ei gwneud yn ofynnol i'r awdurdod cyhoeddus gymryd y camau canlynol i sicrhau ei fod yn cydymffurfio â'r ddeddfwriaeth.
  - Anfon ymateb o sylwedd i'r cais yn unol â'u rhwymedigaethau o dan yr EIR.<sup>1</sup>
4. Rhaid i'r awdurdod cyhoeddus gymryd y camau hyn o fewn 35 diwrnod calendr ar ôl dyddiad yr hysbysiad penderfynu hwn. Gall methu â chydymffurfio arwain at ardystiad ysgrifenedig gan y Comisiynydd o'r ffaith honno i'r Uchel Lys yn unol ag adran 54 o'r Ddeddf Rhyddid Gwybodaeth a gellir ymdrin â hyn fel dirmyg llys.

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<sup>1</sup> Mae'r Comisiynydd yn disgwyl i'r awdurdod cyhoeddus gymryd gofal priodol i ddiogelu unrhyw ddata personol wrth ddatgelu gwybodaeth mewn taenlen neu fformat tebyg; [Swyddfa'r Comisiynydd Gwybodaeth - Advisory note to public authorities | ICO](#)

## Y cais a'r ymateb

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5. Ar 16 Ionawr 2024 gwnaeth yr achwynydd y cais canlynol am wybodaeth i'r awdurdod cyhoeddus:

"Yn dilyn anawsterau ar ddebyn gwybodaeth ar gyfanswm arianol mae Cyfoeth Naturiol Cymru yn drosglwyddo i Ymddiredolaeth Afonydd Gogledd Cymru. I'r perwyl yma 'rwyf ar rhan y gymdeithas uchod yn gwenud cais am wybodaeth, ar gyfanswm arianol mae Cyfoeth Naturiol Cymru yn ei drosglwyddo yn flynyddol i'r ymddiredolaeth.

Yn ogystal cefais wybodaeth ganddoch ar [dyddiad wedi'i hepgor] ynglyn a arian sydd sy'n ymwneud a penderfyniad CNC i atal cynllyn stocio eog/brithyll mor a oedd yn rhan o gytundebau adeiladu gorsaf Hydro Dinorwig. Fel y gwyddoch mae hyn yn swm sylweddol a 'rydym hyd yn hun yn methu cael gwybodaeth ar pam neu sut mae'r arian yma yn cael ei ddefnyddio. Dyma'r cyfeirnod sydd ar eich ateb gwreiddiol [wedi'i hepgor]. Buaswn yn ddiolchgar o dderbyn gwybodaeth ar be sy'n digwydd i'r arian yma. Mae'n hanfodol o bosib fod yr ymddiredolaeth yn datgan y gwariant yma i CNC"

## Y rhesymau dros y penderfyniad

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6. Mae rheoliad 5(1) o'r EIR yn dweud:

"a public authority that holds environmental information shall make it available on request."

7. Mae rheoliad 5(2) o'r EIR yn dweud:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

8. Cysylltodd y Comisiynydd â'r awdurdod cyhoeddus ar 3 Mawrth 2024 gan eu hatgoffa am eu cyfrifoldebau a gofyn iddyn nhw ddarparu ymateb o sylwedd i'r achwynydd o fewn 10 diwrnod gwaith. Er gwaethaf yr ymyriad hwn mae'r awdurdod cyhoeddus wedi methu ag ymateb i'r achwynydd.
9. O'r dystiolaeth a ddarparwyd i'r Comisiynydd yn yr achos hwn, mae'n amlwg na wnaeth yr awdurdod cyhoeddus ddelio â'r cais am wybodaeth yn unol â'r EIR. Penderfyniad y Comisiynydd yw bod yr awdurdod cyhoeddus wedi torri rheoliad 5(2) drwy fethu ag ymateb i'r cais o fewn

20 diwrnod gwaith ac mae bellach yn ofynnol iddyn nhw ymateb i'r cais yn unol â'r EIR.

## **Yr hawl i apelio**

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10. Mae gan y naill barti a'r llall hawl i apelio yn erbyn yr hysbysiad penderfynu hwn i Dribiwnlys yr Haen Gyntaf (Hawliau Gwybodaeth). Mae gwybodaeth am y broses apelio ar gael oddi wrth:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Ffôn: 0300 1234504

Ffacs: 0870 739 5836

Ebost: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Gwefan: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

11. Os hoffech apelio yn erbyn hysbysiad penderfynu, gallwch gael gwybodaeth am sut i apelio ynghyd â'r ffurflenni perthnasol ar wefan y Tribiwnlys Gwybodaeth.
12. Dylai unrhyw Hysbysiad Apelio gael ei gyflwyno i'r Tribiwnlys o fewn 28 diwrnod (calendr) ar ôl dyddiad anfon yr hysbysiad penderfynu hwn.

**Roger Cawthorne**  
**Rheolwr Tîm**  
**Swyddfa'r Comisiynydd Gwybodaeth**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

## Environmental Information Regulations 2004 (EIR)

### Decision notice

**Date:** 28 March 2023

**Public Authority:** Natural Resources Wales  
**Address:** Tŷ Cambria  
Newport Road  
Cardiff

#### Decision (including any steps ordered)

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1. The complainant requested information from Natural Resources Wales (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the the public authority to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response to the request in accordance with its obligations under the EIR.<sup>2</sup>
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Freedom of Information Act and may be dealt with as a contempt of court.

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<sup>2</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

## Request and response

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5. On 16 January 2024 the complainant made the following request for information to the public authority:

"Following difficulties in getting information on the total funds Natural Resources Wales transfers to the North Wales Rivers Trust to this end on behalf of the above-mentioned association I am requesting information, on the total funds Natural Resources Wales transfers annually to the trust.

I also received information from you on [date redacted] regarding funds involved with NRW's decision to end the salmon/sea trout stocking scheme that was part of the Dinorwig Hydro station construction agreements. As you know this is a substantial sum and we have so far been unable to get information on why or how these funds are used. The reference on your original reply is [redacted]. I would be grateful for information on what is happening to these funds. It may be essential that the trust declares this expenditure to NRW"

## Reasons for decision

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6. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

7. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

8. The Commissioner contacted the public authority on 3 March 2024 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention the public authority has failed to respond to the complainant.
9. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the public authority has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

## Right of appeal

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10. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

11. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Roger Cawthorne**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**