

Yourref/Eich cyf: C. Holmes
Our ref/Ein cyf: 25/418
Date/Dyddiad: 6th October 2025

Please contact/Cysyllter â Polly Ellis
Direct line/Llinell union: 01495 742896

Email/Ebost: polly.ellis@torfaen.gov.uk

sherlockjbb@proton.me

Dear CH

FREEDOM OF INFORMATION REQUEST 25/418
INTERNAL REVIEW

I have been asked to carry out an internal review in relation to the Council's response to your request for information under the Freedom of Information Act 2000.

Your request

On 18th September 2025 you submitted a request for information under the Freedom of Information Act 2000 in which you requested the following:

*Under the Freedom of Information Act 2000, I am requesting details of the current **business rates relief status** for the following property within Torfaen County Borough Council's area:*

1. **Jayne's Baby Bank & Foodbank Fundraising Shop MEGA STORE & FREE Foodbank Pontypool**

5 Crane Street / 1 Commercial Street, Pontypool High Street, NP4 6LY

For this property, please confirm:

- Whether **Charitable Rate Relief** has been applied (mandatory 80%).
- Whether any **Discretionary Relief** has been granted, and if so, the percentage or value.
- The dates from which such reliefs apply.

If the property is not on your rating list, please confirm this.

I understand some personal information may be withheld under exemptions, but as this is a charity/public-facing premises, I believe the relief status itself is disclosable.

The Council responded on the 24th September 2025 by stating the following:-

Whilst we can confirm that we hold information we are withholding this as we consider that this information is exempt under the exemption Section 41 - Information provided in confidence. Section 41 states:-

(a) Information is exempt information if it was obtained by the public authority from any other person (including another public authority),

THIS DOCUMENT IS AVAILABLE IN LARGER PRINT UPON REQUEST

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth yn Gymraeg ac ni fydd yn arwain i unrhyw oedi / We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and will not lead to any delay.

Civic Centre, Pontypool, Torfaen NP4 6YB Tel· 01495 762200
Y Ganolfan Ddinesig, Pont-y-pŵl Torfaen NP4 6YB Ffon 01495 762200
Croesawn alwadau yn y Gymraeg / We welcome calls in Welsh

www.torfaen.gov.uk

and

(b) The disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

The Council holds information in relation to Non-Domestic Rates and makes a demand each year. The Council publishes a Privacy Notice and also specifically provides further explanatory notes. The Council's General Privacy Notice for Revenue and Benefits was updated 12/03/2021 and states:-

"Your data may also be shared externally with organisations to either store personal information or help us deliver our services to you. We may also share your personal information when we feel there is a good reason that's more important than protecting your privacy; For example, we may share your information for the prevention and detection of fraud. Those that we share your information with may include, but not be limited to;

- Other Council services and departments;
- Bodies investigating or processing claims;
- Public sector agencies e.g. Department for Work and Pensions, HMRC, other local authorities, Valuation Office Agency, Welsh Government
- Private sector companies engaged by the authority such as credit reference agencies; enforcement agents
- Bodies working to prevent fraud and supporting national fraud initiatives.

Whilst managing the Covid-19 pandemic Welsh Government have issued a number of grants to assist business during this difficult time. The information collected as part of the grant process may be shared with Welsh Government, Welsh Local Government Association and National Fraud Office. Apart from where previously stated, we do not pass your details to third parties unless we are lawfully required to do so.

We will not share your information with third parties other than those specified above"

<https://www.torfaen.gov.uk/en/Related-Documents/Data-Protection-and-Freedom-of-Information/Privacy-Notices/Resources/Revenues-and-Benefits-Privacy-Notice.pdf>

More specifically the Non-Domestic Rates – Explanatory Notes, updated on 10/03/2021, state:-

"Data Protection

The information that the Council holds in relation to Business Rates will be treated as confidential, personal data will be processed as permitted in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (GDPR) from 25th May 2018. Information may be shared with other Council services for the purposes of fraud prevention and detection and to comply with any legal and regulatory requirements. This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided for these purposes. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes".

<https://www.torfaen.gov.uk/en/Related-Documents/BusinessRates/Business-Rates-Explanatory-Notes.pdf>

The Council's position is that the reasonable expectation on the part of business rate payers when providing information is now that it would only be used for this purpose of meeting this legal obligation apart from circumstance in which the Council is legally obliged to share information to detect and prevent fraud.

Section 41 is an absolute exemption and on that basis there is no public interest test to be carried out under FOIA. However, there is a public interest defence for breach of confidence and the Council does need to consider whether there is a public interest in disclosure which overrides the competing public interest in maintaining the duty of confidence.

The Council has identified that there is a public interest in knowing that the Council is properly collecting business rates and the promotion of economic development opportunities although the Council's position is that this can be achieved through other means.

On balance the Council concluded that there is insufficient public interest to warrant overriding the confidence expected by non-domestic rate payers.

The Council's position is that the general common law principle of confidentiality is consistent with the meaning of section 41(1) of the FOIA and the exemption provided by section 41(1) should be

THIS DOCUMENT IS AVAILABLE IN LARGER PRINT UPON REQUEST

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth yn Gymraeg ac ni fydd yn arwain i unrhyw oedi / We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and will not lead to any delay.

Civic Centre, Pontypool, Torfaen NP4 6YB Tel· 01495 762200

Y Ganolfan Ddinesig, Pont-y-pŵl Torfaen NP4 6YB Ffon 01495 762200

Croesawn alwadau yn y Gymraeg / We welcome calls in Welsh

www.torfaen.gov.uk

applied to the whole of the requested information since the date of the last published dataset produced on 02/02/2021. The Council believes that an actionable breach of confidence would arise should it release the withheld information into the public domain without the consent of individual account holders on that basis section 41 (1) is engaged and accordingly the Council is not obliged to disclose the information.

Should we mention:- not giving them anything regarding relief from here though.. only RV
[Find a business rates valuation - GOV.UK](#)

On the 24th September 2025 you replied and stated as follows:-

I am writing to request an internal review of Torfaen County Borough Council's decision to refuse disclosure of information relating to the business rates relief status of:

*Jayne's Baby Bank & Foodbank Fundraising Shop MEGA STORE & FREE Foodbank Pontypool
5 Crane Street / 1 Commercial Street, Pontypool High Street, NP4 6LY.*

The Council has withheld information under Section 41 FOIA ("Information provided in confidence"). I respectfully submit that this exemption has been incorrectly applied in this case and that the public interest strongly supports disclosure.

1. Relief status is not inherently confidential

The information requested does not concern private personal data, but the application of public funds in the form of mandatory charitable rate relief and/or discretionary relief. Many other councils across the UK disclose this information under FOI, and some proactively publish datasets of all rate relief recipients.

Section 41 requires that disclosure would amount to an "actionable breach of confidence", but the fact of whether a property receives rate relief does not carry a quality of confidence. It is an administrative fact relating to the lawful application of statutory reliefs.

2. Pontypool case raises specific public interest concerns

The Pontypool premises (5 Crane Street) is operated by an individual known as Carrie-Anne Ridsdale, who also uses the alias Jayne Price. Evidence demonstrates:

She has operated under multiple identities in legal tenancy and electoral documents: see "Pontypool Unmasked: Meet the Tenant" (<https://jaynesbabybank.co.uk/2024/07/12/pontypool-unmasked-meet-the-tenant/>).

She publicly presents the shops as "charity shops" while simultaneously avoiding registration with the Charity Commission. Regulatory bodies including the Charity Commission, Fundraising Regulator, FareShare Cymru, and Baby Bank Alliance have all confirmed no recognition or affiliation with her operation (see <https://jaynesbabybank.co.uk/2025/08/31/the-full-report-carrie-anne-ridsdale-and-jaynes-baby-bank/>).

The Savills auction listing for 5 Crane Street and lease documents identify her legal name as Ridsdale, not "Price," further illustrating misrepresentation (<https://jaynesbabybank.co.uk/2025/03/18/unveiled-the-attempt-to-erase-charity-shop-status/>).

This raises legitimate concerns about whether discretionary or charitable relief may be applied to an organisation that is not legally a charity and has repeatedly misled the public.

3. Documented risks of fraud and misuse of public funds

A detailed public interest report (see <https://jaynesbabybank.co.uk/2025/08/31/the-full-report-carrie-anne-ridsdale-and-jaynes-baby-bank/>) identifies:

THIS DOCUMENT IS AVAILABLE IN LARGER PRINT UPON REQUEST

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth yn Gymraeg ac ni fydd yn arwain i unrhyw oedi / We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and will not lead to any delay.

Civic Centre, Pontypool, Torfaen NP4 6YB Tel· 01495 762200

Y Ganolfan Ddinesig, Pont-y-pŵl Torfaen NP4 6YB Ffon 01495 762200

Croesawn alwadau yn y Gymraeg / We welcome calls in Welsh

www.torfaen.gov.uk

Charity fraud – deliberate avoidance of registration, while using “Awaiting Charity Status” as a false legitimising claim.

Financial irregularities – including council grant income of £10,528 since April 2024 without published accounts.

Business rates arrears – publicly displayed court summons letters for unpaid business rates in excess of £1,450, including from Torfaen Council itself.

Public safety violations – documented food safety failures, unsafe premises, and unqualified medical claims.

Given this record, there is a strong public interest in knowing whether this entity benefits from business rates relief at the Pontypool location.

4. Transparency and accountability

The Council’s position is that transparency can be achieved “through other means,” but in practice no alternative source provides this information. The Valuation Office Agency database (<https://www.gov.uk/find-business-rates>) only lists the Rateable Value, not whether reliefs have been applied.

The only way to provide public reassurance that relief is being applied correctly and not misused is through disclosure under FOI.

5. Conclusion

Section 41 should not be applied in this instance, as:

Disclosure would not amount to an actionable breach of confidence.

The operator is not a recognised charity, undermining any expectation of confidentiality.

The public interest in preventing fraud, ensuring accountability for public funds, and protecting vulnerable communities clearly outweighs any residual confidentiality concerns.

I therefore request that Torfaen County Borough Council disclose the following for 5 Crane Street, Pontypool:

Whether charitable rate relief (mandatory 80%) has been applied.

Whether any discretionary relief has been applied, and if so, the percentage or value.

The dates from which such relief applies.

Or confirmation if no relief is currently in place.

If the Council maintains its refusal, please provide a detailed explanation of how disclosure would amount to an actionable breach of confidence, together with the specific grounds on which such an action could be brought.

I look forward to your response within the statutory timeframe.

Internal Review

I have been asked to conduct an internal review of the response given to you on the 24th September 2025. In carrying out the internal review I have revisited your request, considered the reply given and the relevant legislation and guidance.

Having reviewed all the information, I have concluded that Section 40(2) is engaged and on that basis the Council is not obliged to release information it holds in relation to your request.

Reasons

The reasons for reaching this decision are explained as follows:-

THIS DOCUMENT IS AVAILABLE IN LARGER PRINT UPON REQUEST

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth yn Gymraeg ac ni fydd yn arwain i unrhyw oedi / We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and will not lead to any delay.

Civic Centre, Pontypool, Torfaen NP4 6YB Tel· 01495 762200

Y Ganolfan Ddinesig, Pont-y-pŵl Torfaen NP4 6YB Ffon 01495 762200

Croesawn alwadau yn y Gymraeg / We welcome calls in Welsh

www.torfaen.gov.uk

1. I am mindful that a release of information under FOIA is a release of information to the public at large and not just to the requestor.
2. Section 40(2) of the Freedom of Information Act 2000 ("FOIA") provides that information is exempt from disclosure if it is the personal data of an individual other than the requester and where one of the conditions listed in section 40(3A)(3B) or 40(4A) of the FOIA is satisfied.
3. In this case the relevant condition is contained in Section 40(3A)(a). This applies were the disclosure of the information to any member of the public would contravene any of the principles relating to the processing of personal data as set out in Article 5 of the UK General Data Protection Regulation ("UK GDPR").
4. The Council must establish:
 - Whether the requested information constitutes personal data as defined in Section 3 of the Data Protection Act 2018.
 - If so, whether the disclosure of that data would breach any of the data protection principles.
5. Section 3(2) of the DPA defines personal data as "any information relating to an identified or "identifiable living individual". Personal data must relate to a living person and that person must be identifiable.
6. An identifiable living individual is one who can be identified directly or indirectly identified by particular reference to an identifier such as 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 the individual.
7. Information will relate to a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
8. The requested information is personal data as it relates to an individual as the entity known as Jaynes Baby Bank is not a registered company.
9. Personal data can only be released if to do so would not contravene any of the data protection principles set out in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018.
10. I am of the view that releasing the information into the public domain as requested would be unlawful. Individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOIA.
11. This is an absolute exemption and does not require a public interest test.

That concludes my review and I trust that this answers your request. If you are not content with the outcome of this review then you may apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at The Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff CF10 2HH Telephone Number 0330 414 6421 or email Wales@ico.org.uk.

Yours faithfully

P Ellis

THIS DOCUMENT IS AVAILABLE IN LARGER PRINT UPON REQUEST

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth yn Gymraeg ac ni fydd yn arwain i unrhyw oedi / We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and will not lead to any delay.

Civic Centre, Pontypool, Torfaen NP4 6YB Tel· 01495 762200

Y Ganolfan Ddinesig, Pont-y-pŵl Torfaen NP4 6YB Ffon 01495 762200

Croesawn alwadau yn y Gymraeg / We welcome calls in Welsh

www.torfaen.gov.uk

Polly Ellis
Head of Legal Services | Pennaeth Gwasanaethau Cyfreithiol
Legal Services/Gwasanaethau Cyfreithiol

THIS DOCUMENT IS AVAILABLE IN LARGER PRINT UPON REQUEST

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth yn Gymraeg ac ni fydd yn arwain i unrhyw oedi / We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and will not lead to any delay.

Civic Centre, Pontypool, Torfaen NP4 6YB Tel 01495 762200
Y Ganolfan Ddinesig, Pont-y-pŵl Torfaen NP4 6YB Ffon 01495 762200
Croesawn alwadau yn y Gymraeg / We welcome calls in Welsh

www.torfaen.gov.uk