



Our ref: ATISN 11479  
Date: 13 September 2017

Dear ,

**Request for Information – ATISN 11479 – Welsh Government Budget 2017/18**

Thank you for your request which was received by the Welsh Government on 15 August 2017.  
You asked for the following information:

- All correspondence between Mark Drakeford, Cabinet Secretary for Finance and Local Government, and Adam Price AM concerning the Welsh Government budget for 2017/18; and
- All correspondence between Mark Drakeford, Cabinet Secretary for Finance and Local Government, and Jonathan Edwards MP concerning the Welsh Government budget for 2017/18.

I believe this information is exempt from release under the following sections of the Freedom of Information Act.

- Section 35 – formulation of government policy.

A full analysis as to my reasoning is set out in the attached Annex 1.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ

or



Email: [FreedomOfInformationOfficer@wales.gsi.gov.uk](mailto:FreedomOfInformationOfficer@wales.gsi.gov.uk)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

## **Annex 1**

### **Section 35 – formulation of government policy.**

Section 35 is aimed at protecting the government policy-making process and its proper use is essential to ensuring the delivery of effective government.

Decisions relating to non-disclosure have been taken with due consideration of the exemptions identified under sections 35(1)(a) of the Freedom of information Act 2000.

This exemption states that:

(1) information held by a government department is exempt information if it relates to  
(a) the formulation or development of government policy.

Section 35 is a qualified (public interest tested) exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it.

#### **Public interest arguments in favour of release**

There is a general public interest in the release of information relating to policy development in that it may assist in promoting openness and transparency.

There is a specific public interest in information relating to the ongoing development of policy relating to the Financial intentions of the Welsh Government, as any final policy that is implemented as a result of discussions with other parties will affect the people of Wales.

Whilst there is a public interest argument to support the view that the public should be able to see and scrutinise how government reaches the decision it makes that affects people lives or how it spends public money, I do not believe it is in the wider public interest to make public information that would be likely to harm the Welsh Governments ability to conduct its business in an effective and efficient manner.

Good governance relies on decisions being made after a detailed scrutiny of all factors and possibilities. Disclosure of some information relating to those deliberations would not allow for adequate or proper scrutiny by the public as they would only have a small part of the bigger picture.

#### **Public interest against disclosure**

In conducting the Budget negotiations, the Welsh Government and Plaid Cymru entered into a free and frank exchange of views to deliberate on proposals for a package of investment that could form the basis of a Budget Agreement between the two parties. The correspondence reflects the evolving nature of the negotiations from early exploratory discussions through to finalising the exact package of investment.

Restraining the exchange of views in relation to Budget negotiations led by the Minister for Finance and Local Government and the Opposition Parties concerned, would likely lead to the loss of frankness and candour and would be likely to damage any future Budget deliberations.

Given the sensitivity of the Budget negotiations, there is a need for a 'safe space' to conduct the discussions and reach decisions away from external interference and distraction. All political parties must have the greatest possible confidence in terms of the process around Budget negotiations and without any concern that information provided may be compromised by being revealed at a later date.

It is in the public interest that both parties should be able to discuss future policy objectives in confidence and without undue influence as releasing the information prematurely could carry a risk of political pressure being brought to bear by those with a manifest interest and those that may have opposing policy views.

The ability to conduct discussion in a safe and open manner is vital to ensuring robust and frank exchanges of information and contributions. Assurances have been provided to all participants of these discussions that they would be conducted in private so that views and opinions could be freely expressed. Disclosure of these discussions would lead to less vigorous and in-depth exploration of policy options and disclosure would likely inhibit the Welsh Government's ability to engage such parties in future policy development in the same detail.

It is believed that future Budget negotiations between the Welsh Government and Opposition Parties would be prejudiced if the correspondence were to be released. Release of this information would be likely to have a detrimental impact on the way Opposition Parties engage in future Budget negotiations which could potentially hinder the annual Budget process. Release of this information would be likely to compromise the Welsh Government's position and its relationship with the Opposition Parties concerned, potentially undermining future Budget negotiations.

I am aware that as a general rule, the sensitivity of information is likely to reduce over time, so that the age of information, or timing of the request may be relevant in determining whether to apply the exemption, or where the public interest may lie. In this case, however, the information captured is very much current information and will have a bearing on discussions for the current Budget round 2018-19.

#### Balance of Public Interest Test

The requested information relates to early formative policy discussions between the Welsh Government and Plaid Cymru and whilst recognising the arguments in favour of release, it is essential that both the Welsh Government and Plaid Cymru have a private forum in which to fully discuss the range of options available away from external interference. The policy areas in discussion have an impact on the people of Wales, therefore, it is essential that these early discussions have an opportunity to be aired in private.

The parties contributing to discussions have an expectation that their opinions, particularly at the early stages of the discussion process, will not be subjected to public scrutiny. This confidence will allow all parties to comfortably explore many different options, including innovative options that might not be explored further, in an open environment.

Release now could lead to public and political challenge to initial considerations, possibly leading to wider public misconceptions and inflated expectations over future policy direction. The result of this could be that an incomplete and possibly contrary picture could be presented, leading to accusations of inadequate policy development.

In conclusion, I believe that the balance of the public interest falls in favour of withholding this information at this time.