



Llywodraeth Cymru
Welsh Government

7 November 2019

Dear

Access to Information Request: (Reference: ATISN 13492)

Thank you for your request which we received on 15 October. You asked:

'I would like to see all e-mails and correspondence relating to Petitions P-05-757 and P-05-765 [regarding the provision of Collective Worship] sent to the Minister for Education'

A copy of the information is enclosed. In a number of cases, the information you have asked for was contained within documents that set out information on other matters, not caught within the scope of your request. Only the information that falls within the description of the information you have asked for has been provided.

We have decided that some of the information is exempt from disclosure, in accordance with Section 42 of the Freedom of Information Act 2000, and this information is therefore withheld. The reason for applying this exemption is set out in at Annex 1 to this letter.

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 e-mail: freedom.ofinformation@gov.wales

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

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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

We have decided to withhold sections of the information released to you.

The reason for this is that we consider that this information falls within the exception of Legal Professional Privilege ('Legal Advice Privilege'), in accordance with Section 42 of the Freedom of Information Act 2000.

In relation to Section 42(1) (Legal Professional Privilege), the exemption states:

1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications, could be maintained in legal proceedings, is exempt information.

Legal Professional Privilege (LPP) covers communications between lawyers and their clients for the purpose of obtaining legal advice, or documents created by or for lawyers for the "dominant" (main) purpose of litigation. The information in question was advice provided by the Welsh Government's Legal Services Department, and we consider that LPP attaches to this information.

The Welsh Government is of the firm view that it is highly important to maintain Legal Professional Privilege and that, in the absence of at least equally strong countervailing considerations, any attempt to undermine the principle of Legal Professional Privilege would result in substantial harm.

Legal advisers need to be able to present the full picture to their clients, in this case all UK Government and devolved administrations, which includes arguments in support of final conclusions and any relevant counter-arguments. This is the purpose behind the long-established principle of Legal Professional Privilege.

It is in the nature of legal advice that it often sets out the possible arguments both for and against a particular view. If recipients or providers of legal advice believe that it is likely that the legal advice would be published, especially so soon after being sought and in a complex political environment, then it is unlikely that comprehensive advice would be commissioned or provided. This would be likely to result in substantial harm to the quality of decision-making, since it would not be fully informed. It would also undermine the ability of legal advisers and their clients to rely confidently on the protection afforded by the principle of Legal Professional Privilege. Moreover, disclosure of legal advice has a significant potential to prejudice the government's ability to defend its legal interests - both directly, by unfairly exposing its legal position to challenge; and indirectly, by diminishing the reliance it can place on the advice having been fully considered and presented, without fear or favour.