



Llywodraeth Cymru  
Welsh Government

ATISN 14180

24 June 2021

Dear

**ICO Ref: IC-60323-B9B0**  
**ATISN 14180 – International Travel Regulations**

Further to the letter we received from the Information Commissioner's Office, we have reconsidered your original request. When you wrote to Welsh Government on 26 July with a request for information under the Freedom of Information Act 2000 ("FOIA 2000"), you requested the following:

- 1. Copies of the documents supplied by the UK Government that formed the methodology referred to by the First Minister and that was subsequently reviewed by the Chief Medical Officer of Wales.*
- 2. Copies of the review findings made by the Chief Medical Officer to the methodology that was share between the First Minister and the Chief Medical Officer specifically.*

We wrote to you on 26 August to inform you that our consideration of the public interest tests against the section 35(1)(a) "formulation of government policy" exemption was engaged. We explained that Ministerial decisions to add and remove exempted countries and territories from the need to self-isolate upon arrival in the UK have been based on the overall assessment of risk to public health, based on a range of factors and we provided a list of those factors.

Although international travel is not a devolved matter in the United Kingdom, we explained that public health was, and therefore Ministers in Scotland, Wales and Northern Ireland may take their own approach if they so wish. The Welsh Ministers, Chief Medical Officer and policy officials continued, and will continue, to monitor and review findings.

We are now in a position where we are able to release Paper 2 (attached) which was published on the Gov.UK website under Joint Biosecurity Centre in September 2020 but has since been revised and updated.

However, we are withholding information that is in scope of your original request under the following FOIA 2000 exemptions. Our consideration of the identified exemptions is set out in the accompanying annex:

- Section 28(1) of the FOIA 2000 sets out an exemption from the right to know, if the disclosure of the information in question would, or would be likely to, prejudice relations between two or more United Kingdom administrations.
- Section 35(1)(a) of the FOIA 2000 covers any information relating to the formulation and development of government policy.

If you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)  
Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Yours sincerely,



**Stephen Probert CEng FIET MIoD**  
**Deputy Director, HSS Government and Corporate Business**

## **Annex 1**

### **Engagement of Exemptions**

When considering the release of information captured by a request we are required to consider the potential effects of disclosure of the information to the wider World. This is because information released in response to a FoI request is released to the World, not just to the person submitting the request. As such we need to take into account how any other individual may use, or misuse, the information if it is placed into the wider public domain. So whilst the request may have a legitimate, and benign, interest in accessing the requested information, we could conclude that the risk that the information could be misused by others is more compelling and thus the information should be withheld.

### **Section 28(1)**

Section 28(1) sets out an exemption from the right to know, if the disclosure of the information in question would, or would be likely to, prejudice relations between two or more United Kingdom administrations.

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

Should your request be received today, Welsh Government would signpost you to the following site: [Joint Biosecurity Centre - GOV.UK \(www.gov.uk\)](http://www.gov.uk) as a revised methodology and data can be found here.

Paper 2, which we are releasing to you with this letter, is an earlier version of the methodology that has since been removed from the above website when it was superseded by the new methodology.

There is a public interest in ensuring a close and effective working relationship between the Welsh Government and the UK Government. Good relations and engagement are essential at this time as we seek to work with, and influence the UK Government and its agencies to ensure that the interests of Wales are protected in their discussions.

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

We believe at this point in time that should we disclose further information, our day to day working relationship with the UK Government and other devolved administrations would be significantly prejudiced.

As would be expected, information flows between administrations as we look to manage, control and overcome the current Covid-19 pandemic. Whilst much of that information is freely available there does remain some information which is sensitive or needs to be shared with a restrictive audience.

Ministerial decisions to add and remove exempted countries and territories from the need to self-isolate upon arrival in the UK have been based on the overall assessment of risk to public health. To facilitate a four nations approach to restrictions on international travel the UK Government and the Joint Biosecurity Centre share with the Welsh Government a wide range of sensitive analysis around the risks of international travel. The process behind this analysis is reviewed regularly as the impact of the pandemic evolves over time. We have seen recently

the significant impact of variants of concern and the need to re-formulate policy decisions quickly to protect public health.

Significant efforts have been made during recent weeks to build relations with the UK Government in this area which have resulted in a senior Welsh Government official now working within the Joint Biosecurity Centre structure and in Welsh Ministers being invited to attend UK Government Cabinet Committee discussions on international travel. This is helping Welsh Ministers have better access to the evidence they need to inform their decision making in this important area which, in view of the prevalence of variants of concern in many countries, in turn enables them to make timely decisions to protect public health in Wales and maintain arrangements which are deliverable within the wider UK context. There is a very significant public interest in not destabilising these arrangements during this critical point in the pandemic.

### **Section 35(1)(a)**

This exemption is only engaged by information being used in the formulation of government policy. Once that policy is finalised, the exemption is unlikely to be engaged. In most cases it is usually straight forward to identify when the formulation stage is concluded by the publishing of the policy document, or legislation has been made. It is, however, recognised, that where existing policy is under review, the s35(1)(a) exemption can apply to the information informing that review.

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

Should your request be received today, Welsh Government would signpost you to the following site: [Joint Biosecurity Centre - GOV.UK \(www.gov.uk\)](https://www.gov.uk/joint-biosecurity-centre) as a revised methodology and data can be found here.

The Welsh Government continues to ensure they are as transparent as possible, in particular through the media, publication of documents, Ministerial Written Statements and public statements in the Senedd along with ministerial press conferences and interviews. We recognise such transparency and openness in the Welsh Government's policy-making process during the pandemic would increase public trust, leading to greater compliance with the measures introduced to bring the coronavirus pandemic under control and thus reducing the overall impact of the virus on the people of Wales.

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

During the pandemic international travel policy considerations have changed over time. It is essential that officials and ministers are able to review and analyse risk assessments in relation to the transmissibility and virulence of new strains of Covid 19 evolving worldwide to enable policy decisions in order to protect public health in Wales and across the UK. The continuing development of new strains and the risk of as yet unidentified new strains requires ongoing and frequent policy consideration.

Since the request was received ministerial decisions relating to the extent of international travel has been a live and developing policy with the need to protect public health against the COVID pandemic. The policy requires the deployment of exceptional measures to mitigate the unprecedented impact of the Covid-19 pandemic that is taking place across the world.

The government makes decisions on international travel based on a range of information, including, for example, risk assessments prepared by the Joint Biosecurity Centre alongside other wider public health factors. The methodology for assessing risk to inform International travel during the pandemic has continuously evolved to reflect the changing pattern of the COVID-19 epidemic and has been based on new scientific insights, new data sources as well as new analyses as they become available.

As a result, both UK Government, and the Devolved Administrations and other agencies need to be able to consider and openly discuss the information in order to make recommendations and formulate and develop new proposals to help control the spread and incidence of Covid-19.

We have also seen recently the significant impact of variants of concern, as yet unidentified variants and the different transmissibility of the virus across the world. This means that we are required to re-formulate policy decisions quickly to protect public health. Indeed there is a legal requirement on us to review the public health regulations we have in place every three weeks.

These analyses change regularly as the impact of the pandemic evolves over time. Sensitive information on the number of cases, new variants of the virus and the impact of restrictions and regulations in different part of the UK are all considered to inform policy decisions. Since the original request was received we have seen dramatic changes in the behaviour of the virus in the UK and internationally. Our response requires us to continually review and evaluate the policy position. A significant example of this has been the need to re-introduce lockdowns and close international borders at different points since July last year.

We therefore take the view that the section 35 FOIA 2000 exemption protects the integrity of the policy making process by ensuring that any disclosure of this information does not deter from full, candid and proper deliberation of policy formulation and development, including the exploration of all options.

The Coronavirus pandemic is unprecedented in recent history and evidence throughout the pandemic points to a need to regularly review and revise policies particularly where there are significant differences in virus rates between countries in the UK and internationally. During the pandemic international travel policy considerations have changed over time. It is essential that officials and ministers are able to review and analyse risk assessments in relation to the transmissibility and virulence of new strains of Covid 19 evolving worldwide to enable policy decisions in order to protect public health in Wales and across the UK. The continuing development of new strains and the risk of as yet unidentified new strains requires ongoing and frequent policy consideration.

In conclusion it is within the wider publics' interest to withhold the information related to this request in order to provide the government with a safe space to consider and form policy and plans to manage the current pandemic.