

29 July 2024

Dear

FOI Request – ATISN 19719 –Dr Lyndsey Moon

Thank you for your request which I received on 3 July 2024. You asked for the following information relating to all meetings from 2021 to 2024 the Welsh Government has had with Dr Lyndsey Moon:

- Dates
- Area discussed,
- Who initiated each meeting,
- copies of emails, documents and reports relating to these meetings being planned, undertaken or discussed.
- Who was involved.

Our response

Dr. Lyndsey Moon met with Welsh Government as a member of the Expert Working Group for the Banning of Conversion Practices and this is their only involvement with Welsh Government.

Some of the information you have requested is already publicly available on the Welsh Government's website, here. [Working Group on Banning Conversion Practices | GOV.WALES](#)

This includes the Terms of Reference for the group, membership of the group where members have agreed for their names to be made available, and minutes of all meetings. Each meeting was convened by Welsh Government and attended by members of the Expert Working Group. We do not hold attendance records for individual members for each meeting.

The remaining information you requested which we hold is set out in:

Annex 1 (Email Invite to the Expert Working Group- LM)

Annex 2 (Invite response from LM confirming acceptance).

However, we are unable to share some of the data you requested under the s40(2) 'personal data' exemption provided by the Freedom of Information Act 2000. The Annex 3 to this letter provides details of our consideration and application of these exemptions.

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: 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,
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

From: Welsh Government Official 3 (name and email address redacted) (On Behalf Of Cynllun Gweithredu LHDTTC+ / LGBTQ+ Action Plan

Sent: Tuesday, November 1, 2022 12:12 PM

To: (email address redacted) Subject: Invite to the Working Group on "Banning Conversion Practices".

Dear

Please find attached an invite from the Welsh Government to join the Working Group on "Banning Conversion Practices".

We would be grateful if you could confirm by 14th November 2022 whether you are willing to be a member of the Working Group, and your availability for the proposed meetings.

Please send your reply to Welsh Government Official 1 (name and email address redacted) and Welsh Government Official 1 (name and email address redacted)

Many thanks and best wishes,

The LGBTQ+ Policy Team

Annex 2

From: Moon, Lyndsay

Sent: Tuesday, November 1, 2022 10:39 PM

To: (ESJWL - Communities & Tackling Poverty - Equality) (ESJWL - Communities & Tackling Poverty - Equality)

Subject: working group

Dear,

I would be extremely honoured to be involved in the working party and share the same aims. This is a fantastic opportunity to bring about change and I look forward to working with you,
All best and thank you,

Lyndsey

Sent from Mail for Window

Application of exemptions/exceptions

The Freedom of information Act provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

This Annex sets out the reasons for the engagement of section(s) (s40(2))

Freedom of Information Act 2000: Section 40(2)

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles. 'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 1998 ('the DPA 2018') and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a 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.

We have concluded that, in this instance, the information requested contains third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be: "processed lawfully, fairly and in a transparent manner in relation to the data subject".

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child".

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:-

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate interests

Conversion practice is a very complex and sensitive subject with strong opposing views. Disclosure would allow greater scrutiny of the composition of the working group to show that as wide range of views and opinions as possible were involved and being heard.

- 2. Is disclosure necessary?** In terms of transparency, the selection process for the banning conversion practices working group can be satisfied by the release of the remainder of the information. The identification of the individuals, or organisations small enough for individuals to be identified, involved in that process is not necessary to meet that interest.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

The Welsh Government believes there is a risk to the fundamental rights and freedoms of the data subjects if this information is released, as evidenced by internet articles, posts, forums and blogs personally and professionally attacking those who have previously been named as being involved with the LGBTQ+ Action Plan which includes the commitment to ban conversion practices. These redactions are intended to prevent online trolling and further identification of any additional individuals. We believe these harms, alongside the release of the remainder of the information, outweigh any legitimate interest in the release of the information.

As release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40(2) and section 38(1) of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.