



Our ref: ATISN 20058
Date: 9 August 2023

Dear ,

Complaint in respect of ATISN FOI/REQ/ETC/Senedd Cymru (Electoral Candidates Lists) Bill (4) (20058) INTERNAL REVIEW OUTCOME

You wrote to the Welsh Government on 11 February 2024 to request an internal review of Welsh Government's handling of your FOI request 'Senedd Cymru (Electoral Candidates Lists) Bill information'. I am very sorry that it taken me so long to conclude my enquiries and respond.

The details behind your complaint are as follows:

You have declined part of my request and have failed to provide any material other than internal email correspondence, appropriately redacted.

You have cited various sections, much of which is based around; Investigation of the leak of the documents relative to the cancellation of the Bill. I did not require these and do not wish any details relating to any investigation that may or may not be held.

I have asked for material relative to the leak including policy papers, ministerial briefings and internal and external communications, including where other names are used for the Bill and any consultations with third parties outside of Welsh Government. There is an overriding public interest in disclosing these, given that the matter has received significant media interest, has impacted on the Welsh public by way of wasted public expenditure. You have not balanced the interests appropriately and have given undue weight to maintaining secrecy within Welsh Govt instead to avoid public criticism.



To conduct my review, I requested and received explanations behind why information you had requested has been considered as exempt from disclosure. The reasons fall into three main categories.

All of the information withheld under s. 31(1) – Law Enforcement, is held by the Welsh Government's security official and not policy officials. This was considered exempt as its disclosure could have undermined the investigation or future investigations.

All of the information withheld under s. 40(2) – Personal Information – relates to the names of officials below SCS level. We normally only disclose the names of the SCS lead where required.

For the information withheld under Section 35(1) – Formulation of Government Policy is considered exempt as its disclosure could have an impact on the continuing need to have a safe space for policymaking, especially as this is a live policy which is still under development. As such I consider the grounds for exemption met until the policymaking concludes.

As the exemptions are class-based there is no need to show any harm in order to engage the exemption. The information simply has to fall within the class described which in this case I conclude it does. Also, some of the additional information was also withheld under s.31(1) as some information in the emails was redacted as it was considered to relate to information pertinent to the leak investigation, and its disclosure could have undermined the investigation or future investigations.

I have considered your complaint in accordance with the procedure outlined in the [Welsh Government's Practical Guide for Making Requests for Information](#) which is available by post on request or via the internet.

If you remain dissatisfied with this response you have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,

Wycliffe House,

Grŵp y Prif Weinidog
First Minister's Group



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Welsh Government

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Yours sincerely
Steve Hudson
Welsh Government