



Our ref: ATISN 21969  
Date: 23 October 2024

Dear ,

**ATISN 21969**

Thank you for your request which I received on 25 September 2024. You asked for the following information:

*A list of Welsh Government Special Advisers, and where detailed, their individual portfolio responsibilities.*

I can confirm the Welsh Government holds information of this description, but it is considered exempt under section 22 of the Freedom of Information Act, and the reasons for exemption have been set out at Annex A.

Details of Special Advisers for the previous year can be found at the following [Written Statement: Special Adviser Annual Report 2023-24 \(3 October 2024\) | GOV.WALES](#).

In relation to individual portfolio responsibilities, I can confirm that Special Advisers work together to deliver across portfolios.

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](mailto: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

Telephone: 0303 123 1113

Website: [www.ico.org.uk](http://www.ico.org.uk)

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 A - Section 22 – Information intended for future publication**

### **Engagement of section 22(1) (Information intended for future publication)**

Whilst I can confirm that the Welsh Government holds information of this description, it is considered exempt under section 22 of the Freedom of Information Act. This states (inter alia):

1) *Information is exempt information if—*

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),*
- (b) the information was already held with a view to such publication at the time when the request for information was made, and*
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)*

I can confirm that the conditions under (a) and (b) are satisfied. Welsh Government does hold the information being requested. Details of Special Advisers for the previous year are published annually in arrears on the Welsh Government website. Details of Special Advisers for the previous year can be found at the following [Written Statement: Special Adviser Annual Report 2023-24 \(3 October 2024\) | GOV.WALES](#).

For (c), the Welsh Government believes that it is reasonable in all the circumstances that the information should be withheld from disclosure until routinely published on an annual basis. Publishing the requested information now may not reflect the information that will be published on the website due to in-year changes; it could be misleading and not present an accurate picture. For that reason, we believe it is reasonable for the publication to take place at a future date, as to ensure the accuracy and integrity of the information for the intended external audience.

### **Public Interest Test**

Section 22 is also a public interest tested exemption. This means that in order to withhold information under it, it has to be shown that the public interest in withholding the information outweighs that in releasing it. Whilst Welsh Government acknowledges the general public interest in openness and transparency that release would engender, we believe the release of information at this stage would be confusing and may not present complete overall information compared to that which will be published.

The Welsh Government believes that the details of Special Advisers should be exempt from disclosure on the basis that more accurate and complete information will be published in due course. Publishing the requested information now may not reflect the information that will be published on the website due to in-year changes; it could be misleading and not present an accurate picture.

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

- The general presumption of openness that the FOIA aspires to;
- General interest from the Senedd, the wider public and media.

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

- The intended publication is in the not too distant future;

- Information released through the Freedom of Information Act is released to the world and not just the requester. Details of Special Advisers are published annually, so that any changes in-year can be reflected accurately;
- Disclosure of this information now may compromise trust in the accuracy of official information.

### **Balance of public interest test**

On the basis of the above, we conclude that on balance the public interest arguments are in favour of withholding the details of Special Advisers at this time. The public interest in this information will be met with publication of the details of Special Advisers on an annual basis, in arrears.