

ATISN 15402 - Attachment to response Letter - Freedom of Information request - Information about the LGBTQ+ Action Plan Consultation - Hate speech

1. References to all relevant legislation regarding “hate speech” about gender identity which will be applied in the context of this consultation.

**Information not held**

2. All documents which contain examples of comments which would be considered to be “hate speech” about gender identity in a response to this consultation.

**Information not held**

3. All documents which describe the process for determining whether a comment should be considered to be “hate speech” about gender identity in a response to this consultation.

**Information not held**

4. All documents which describe the process by which “hate speech” about gender identity will be “passed to the authorities” and which authorities will be informed if a comment about gender identity in a response to this consultation is considered to be “hate speech”.

**Information not held**

5. All documents which describe the process by which a person accused of “hate speech” about gender identity in a response to this consultation will be informed that their comments have been “passed to the authorities”.

**Information not held**

**Additional -**

**The Welsh Government is committed to freedom of expression. However, we do recognise this may be a sensitive area of public policy. A statement in relation to not tolerating hateful comments was originally included with the intention of ensuring that no individual or group was discriminated against as a result of their protected characteristics.**

We have taken account of concerns raised and have amended the consultation literature accordingly:

*“Respondents are reminded that the right to freedom of expression is a qualified right and there are specific offences in relation to hate crime created by, for example, the Public Order Act 1986 and the Malicious Communications Act 1988. The Equality and Human Rights Commission have produced guidance on issues relating to freedom of expression and where this may be restricted, the guidance is available here: [20150318 foe legal framework guidance revised final.pdf \(equalityhumanrights.com\)](#). Please ensure that any response you make to the consultation is lawful.”*