

9 February 2022

Dear

**Request for Information – ATISN reference 15662**

Thank you for your requests which were received by the Welsh Government on 12 December 2021 and 24 January 2022.

I have considered your complaint in accordance with the procedure outlined in [Requesting information from the Welsh Government](#) which is available by post on request or via the internet.

You requested an internal review of your request, ATISN 15662, due to the request not being met within the timescales as required in the Freedom of Information Act 2000 and the use of the exemption applied in this instance.

I have reviewed the circumstances and uphold your complaint in respect of the time taken to respond to your request.

I am sorry that the Welsh Government were unable to respond to your request within the timescales to provide you with a response by 3 December 2021. I understand you received a response to your request on 17 December. The Welsh Government is facing unprecedented challenges during the coronavirus (COVID-19) pandemic and as a result resources, both finances and people, are being diverted away from many of our usual activities to deal with the pandemic. This has impacted on our ability to comply with the normal requirements for information rights work. I apologise that the Welsh Government did not keep you informed of these delays as the request was being progressed. I apologise also for the fact that this part of your complaint was not responded to more hastily.

In respect of your complaint about the use of the exemption applied, I am unable to uphold your complaint. I have read through carefully the detailed arguments you have made in your complaint around the application of the various sections of the exemption. I have reviewed these in parallel with the arguments made for withholding the information requested. On balance, I believe that the arguments you make are built on the platform of your dissatisfaction with the response from the First Minister to your complaint about a breach of the Ministerial Code, rather than a balanced consideration of the necessity to safeguard the review/investigation process. If, as you suggest, all of the information and views gathered during a review/investigation were to be made public, this would irretrievably negatively impact any future reviews/investigations that followed, for the reasons set out earlier in the application of the section 36 exemption. This would be the case regardless of the subject matter and does not apply, as you suggest, only to matters of national security, arms deals or other issues which you consider to be of national

importance. The integrity of the process must be protected to ensure that all future complaints are given the same fair consideration, without hindrance or impediment as a result of contributors or advisers being afraid to offer frank and honest opinion.

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  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113

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

Yours sincerely

**Peter Kennedy**  
**Permanent Secretary's Group**