

23 August 2022

Dear

ATISN 16550 FOI EHE proposals

Information requested

Thank you for your request which I received on 3 August 2022. You asked for:

Details of legal opinions received by the Welsh Government between 2019 and 3 August 2022 citing the unlawfulness of the proposed Elective Home Education legislation, that reference the 2019 Draft Guidance for Elective Home Education and the Home Education Database proposals of 2020.

Our response

I have decided that any information which may be held regarding legal opinions received by the Welsh Government as described in the enclosed list is exempt from disclosure under section(s) 41 of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex 1 to this letter.

Next steps

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

Application of exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations 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 any information which may be held by the Welsh Government regarding the following information:

Details of legal opinions received by the Welsh Government between 2019 and 3 August 2022 citing the unlawfulness of the proposed Elective Home Education legislation, that reference the 2019 Draft Guidance for Elective Home Education and the Home Education Database proposals of 2020.

This information is subject to legal professional privilege and therefore the exemption being relied upon to withhold this information is section(s) 41 of the Freedom of Information Act.