

12 January 2023

Dear

## **Request for Information – ATISN 16861**

### **Information requested**

Thank you for your request which I received on 11 November. I apologise for the delay in getting this response to you. You asked:

Could you please provide transcripts/meeting minutes for each of the below listed meetings? If no such notes are available, could you please advise why and provide any information you can about the subject/agenda of those meetings? If possible, could you also provide the location and duration of each meeting.

### **MINISTER FOR CLIMATE CHANGE**

- 12/05 - Shelter Cymru
- 08/06 - The Crown Estate
- 09/06 - Housebuilders Engagement Programme
- 11/07 - Building Developers
- 14/07 - National Residential Landlord Association (NRLA)
- 27/09 - Matt Downie, Crisis

### **Our response**

I have decided that information described in the schedule below is exempt from disclosure under section 36 of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter.

### **Schedule of Information**

#### **12/05 - Shelter Cymru**

This information is withheld under Section 36 of the FOIA. See Annex A.

#### **08/06 - The Crown Estate**

Doc: 01 24/05 - JJ\_Briefing\_The Crown Estate \_ 24 May 2022

#### **09/06 - Housebuilders Engagement Programme**

This information is withheld under Section 36 of the FOIA. See Annex A.

#### **11/07 - Building Developers**

There is no meeting note – a Written Statement was issued on the outcome of the meeting, available here:

**14/07 - National Residential Landlord Association (NRLA)**

This information is withheld under Section 36 of the FOIA. See Annex A.

**27/09 - Matt Downie, Crisis**

This information is withheld under Section 36 of the FOIA. See Annex A.

**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](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.

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

### Application of exemptions

The Freedom of information Act provides 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 the following information:

- 12/05 - Shelter Cymru
- 09/06 - Housebuilders Engagement Programme
- 14/07 - National Residential Landlord Association (NRLA)
- 27/09 - Matt Downie, Crisis

This Annex sets out the reasons for the engagement of section 36 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of section 36 (Prejudice to the effective conduct of public affairs) of the Freedom of Information Act.

The Welsh Government believes that the above listed meeting notes should be exempt from disclosure. These **notes**

In the meetings between the Minister for Climate Change and the Chief Executive Officer (CEO) of Shelter Cymru and Crisis, and representatives of the NRLA and Housebuilders Engagement Programme, the meetings did not involve external stakeholders but provided the opportunity for the Minister to have a confidential conversation to understand better Shelter Cymru's and Crisis's perspective on housing and homelessness in Wales. These meetings required a safe space in which a free and frank discussion could be undertaken, some of which was of confidential matters, and the safe space would be damaged should the informal and unchecked notes of these meetings be placed in the public domain.

An official note of the meeting with Shelter Cymru was not taken of all of these meetings, and although an unofficial aide-memoire is captured by the request, this was not shared with stakeholders, and is likely to contain errors or omissions.

Sharing of such information would not only damage the safe space required for these free and frank discussions to take place, it would also be expected to place information that is both confidential, but also potentially incorrect information into the public domain.

Because the section 36 exemption is wide ranging, it is necessary to gain the agreement of a qualified person, as defined by the Freedom of Information Act, to

assess the information and decide whether the exemption is engaged. In this case, the qualified person for the Welsh Government is the Counsel General, who has agreed that the exemption is engaged.

He states:

'I have had the opportunity now to consider this carefully. In my view the exemptions provided for in Sections 36 (2) (b) (i) and 36 (2) (b) (ii) and 36 (2) (c) are clearly engaged.'

## **Public Interest Test**

In order to satisfy the public interest test in relation to the exemption(s), it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

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

There is a clear public interest in openness and transparency of government, and in understanding how decisions are made. There is also an important public interest in knowing when government is being lobbied, although in these cases the meetings were not with lobbyists but with specialists.

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

It is not in the public interest that information be placed in the public domain that is potentially incorrect as this would affect the public perception of the accuracy of information supplied by the Welsh Government. It is also not in the public interest that the safe space designed and protected by the Freedom of Information Act should be damaged by disclosure of confidential discussion. The discussions were on matters that affect the public, and anecdotal evidence presented in these meetings could itself be damaging to members of the public, which is also not in the public interest.

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

As these meetings are on a sensitive policy area, in which confidential advice was sought from professionals, and no lobbyists were involved, and as the information captured constitutes aide-memoire notes that are unchecked and may contain inaccuracies, I find that the public interest lies with withholding this information