

23 March 2023

Dear

## **ATISN 17195 – Restrictions or Bans on Fur and Foie Gras**

### **Information requested**

Thank you for your request which I received on 24 February. You asked for:

Copies of correspondence between Welsh Government and the Department for Environment, Food, Rural Affairs concerning potential restrictions or bans on fur and foie gras.

### **Our response**

Information you requested is attached:

IM/LG/10037/21 – Incoming Letter to Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd on Call for Evidence: Fur Trade (27/05/21)

IM/LG/10037/21 – Response to The Rt Hon George Eustace MP, Secretary of State for Environment, Food and Rural Affairs on Call for Evidence: Fur Trade (27/05/21)

I have decided that some other information is exempt from disclosure under section 25 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](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 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 the following information:

IM/LG/00001/22 – Incoming Letter to Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd on Animal Welfare and Conservation Proposed Animals (Imports, Exports, etc) Bill (31/12/22)

This Annex sets out the reasons for the engagement of section 35 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

### **Engagement of section 35 (Formulation of Government Policy) of the Freedom of Information Act**

The Welsh Government believes that the inter-ministerial correspondence on the Animal Welfare and Conservation Proposed Animals (Imports, Exports, etc) Bill should be exempt from disclosure. The correspondence discusses government policy in development, and the policy has not been concluded. Disclosure of this correspondence would disclose policy of another government department (Defra) at a time when it remains in active development.

### **Public Interest Test**

In order to satisfy the public interest test in relation to the exemption, 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**

We recognise that there is a strong public interest in the openness and accountability of government, and in the ability for the public to scrutinise and challenge public policy. In this case the letter sent to the Welsh Government Minister by a Defra Minister included policy proposals regarding the welfare and conservation of animals overseas. There is a clear public interest in understanding what these policies are.

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

If the information contained in this letter were placed in the public domain, scrutiny of the policy would begin at a point in the process where the policy itself remains partially developed. The Freedom of Information Act recognises the importance for a safe space for this initial policy development, where policies are expected to be updated and amended, prior to wider public engagement. If this information is released to the public at this time, Ministers may be lobbied on topics that have not been included in the bill as it stands, and lobbying would be on the basis of information that is partial or incomplete. This could damage both the safe space provided for policy development, and also public engagement, which could be misdirected at policies that will not form part of the bill.

## **Balance of public interest test**

Although there are very strong public interest arguments in favour of release of information described above, those public interest arguments would be satisfied by the release of the bill itself, where there are established processes of statutory and democratic engagement. The public interest in favour of disclosure does not require that disclosure happen now. Thus, on balance, the public interest lies with withholding this information to protect the policy making process. Section 35 is a time limited exemption and will cease to apply once the policy has been formulated.