



Ref: ATISN 18569

31 July 2023

Dear ,

**Complaint in respect of ATISN 18569 – Infected Blood Correspondence**

I am responding to your email which was received on 19 July 2023 in which you asked us to review the response issued to your request for information under the Freedom of Information Act 2000 (FOIA). This letter is to inform you of the outcome.

In your original request dated 07 June 2023, you asked for the following:

- 1. Please provide copies of all correspondence relating to Infected Blood Compensation or the Infected Blood Inquiry second interim report sent to or received by the below persons (including any attachments) during the period 1st April 2023 - 6th June 2023. - Catherine Cody (Senior Policy Manager, Quality and Nursing Directorate)*

In our response dated 06 July 2023, we provided some correspondence which was sent or received by Catherine Cody as requested for the period 01 April 2023 to 06 June 2023. We also explained that some of the correspondence was being withheld from disclosure under section 28(1) and section 35(1)(a) of the Freedom of Information Act. We explained our reasons for applying this.

In your email (19 July) you stated that you wished to challenge the applications of s35(1)(a) and s28(1).

I have reviewed our response in its entirety, and in particular the analysis of the public interest test that we provided with our response. I am satisfied that the decision to engage the section 35(1)(a) and section 28(1) exemptions was reasonable and appropriate. Having reviewed the annexes to our response (detailing our application of the public interest test), I believe that consideration of the arguments for and against maintaining those exemptions were given.

For both section 35(1)(a) and section 28(1), there is a need to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation and development of further policies which relate to consideration of the Infected Blood Inquiry (2<sup>nd</sup> Interim Report, Recommendations) and the implementation of an Infected Blood Compensation scheme, as this would likely to prejudice relations between the UK Government and the other devolved administrations and not allow for the exploration of all options. The work on the interim payments cannot be decoupled from the scoping of the work for the compensation scheme and as such we are unable to release this information. Work across

Government is progressing, and this remains an important area of work. However, the work involved is of a significant scale across many departments and will take time to resolve.

The space in which such discussions take place should be protected. If this information were made public, the nature of such frank discussion and debates would be inhibited, and the Welsh Government would be prevented from taking decisions based on the fullest understanding of the issues involved.

The withheld information relates to the request for information and advice regarding the development of a UK Government compensation scheme which includes interim payments. The Welsh Government needs to be able to discuss this and formulate new proposals with regards to dealing with this as well as considering future policies and plans following the outcome of the Infected Blood Inquiry in the autumn of this year.

I recognise that there is a strong public interest in the ongoing Infected Blood Inquiry and the implementation of an Infected Blood Compensation scheme and the developing policies surrounding this as well as the need for transparency, however while Welsh Government are currently working with our counterparts across the UK, there is the requirement for officials to be able to receive and share information on a confidential basis or the frankness of that information will be diminished.

I have reviewed our response to your FOI request in accordance with the procedure stated in my previous letter to you (dated 20 July 2023). In my view this was a reasonable response, and therefore I do not uphold your complaint.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745

Fax: 01625 524 510

[FOI and EIR complaints | ICO](#)

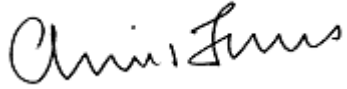
Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)

Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Yn gywir/Yours sincerely



**YR ATHRO/PROFESSOR CHRIS JONES CBE**