

Dear

Complaint in respect of ATISN 26411 (Application of Regulation 12(4)(d))

Further to my letter of 16 January, I am writing to inform you of the outcome of the internal review I have conducted in response to your complaint regarding the decision to withhold information requested under the Environment Information Regulations 2004 (EIR).

I have undertaken the review independently and in doing so I have considered your original request, the initial response and the grounds for withholding the information. I have also considered your specific requests for the review; namely ongoing elements of the scheme, status of roundtable materials, severability and partial disclosure, public interest test and timing.

After careful consideration my review has concluded that the original decision to withhold the requested information is upheld. This decision is based primarily on the application of Regulation 12(4)(d) of the EIR which concerns material in the course of completion. In undertaking my review, I have further reviewed regulation 12 of the EIR and I have also considered Regulation 12(5)(f) which concerns the interests of the person who provides the information. I have also considered risks of public harm and the public interest test.

Application of Regulation 12(4)(f)

As part of my review, I have concluded that the information requested would form part of **material still in the course of completion** as these materials relate to discussions held as part of policy development. Releasing these materials could cause public harm by leading to misinterpretation of intent or confusion if materials do not reflect final policy versions. This could also bring further disruption and delays to the remaining development and implementation of the scheme. I have also reviewed and agree with the original assessment that *'If these records were to be released, we consider that participating members would object, or be reluctant to participate as freely in future discussions which would negatively impact the quality of those future discussions, and therefore the quality of future policy design'*. I consider this would lead to further difficulties in finalising the remaining aspects of the policy and the delivery of the scheme, further delaying uncertainty for the farming sector.

I consider these reasons explain your specific questions relating to **'public interest'** and **'why factual and historical material, including agendas, meeting dates, and attendance lists, could not be released, even if some elements of ongoing engagement continue'**.

My review also considered the application of Regulation 12(5)(f) (interests of the person who provided the information). Whilst not the primary grounds for withholding, I consider elements of the withheld information, including membership,

attendance, agendas and minutes, may also be protected under these provisions. This is relevant in respect of the individual members of the Roundtable who have provided information in the expectation that what was begin discussed and details of those discussions would not be made available.

My review has also been able to consider your specific request regarding clarification on what is considered '**ongoing elements**'. The elements of the Scheme that are still under development are the optional and collaborative aspects, and also some administrative processes. The elements that have been published as final versions are the universal actions; however even though these are published they will still be subject to future monitoring and evaluation, and subject to amendments or refinements in due course, which the Roundtable would discuss.

I can also clarify the '**status of the Roundtable material**' would relate to both the universal actions, now published, and the optional and collaborative actions of the scheme, yet to be published.

In conducting my review I am aware that the Welsh Government has made available a large amount of information that informed the decision-making process leading to the launch of the scheme. This includes the business case and associated evidence which can be found [here](#).

In summary my internal review upholds the initial decision to withhold the requested information under Regulation 12(4)(d), with consideration for Regulation 12(5)(f) and public interest. I recognise the strong public interest in transparency, accountability and understanding how government decisions are made and, having reviewed all information provided to me in the course of this review, I consider the public interest in maintaining the exceptions outweighs the public interest in disclosure.

I have considered your complaint in accordance with the procedure outlined in the Welsh Government's Practical Guide for Making Requests for Information which is available by post on request or via the internet [here](#).

If you remain dissatisfied with this response you have the right to complain to the Information Commissioner who can be contacted at:

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

Yours sincerely

Deputy Director
Strategic Evidence and Intergovernmental Relations Division