

17 February 2026

Dear

ATISN 26606 – Nation of Sanctuary governance and oversight framework

Information requested

Thank you for your request which I received on 22 January 2026. You asked for the current governance and oversight framework for the Welsh Government's Nation of Sanctuary programme, as held on the 22 January 2026.

Our response

A copy of the information I have decided to release is enclosed at Annex 2 and Annex 3:

- Annex 2: Terms of Reference: Nation of Sanctuary Strategic Oversight Board
- Annex 3: Terms of Reference: Nation of Sanctuary Working Group

The aims of the Nation of Sanctuary policy are set out in the Nation of Sanctuary chapter of the Anti-Racist Wales Action Plan. The Nation of Sanctuary policy is governed and held accountable under the Anti-Racist Wales Action Plan governance structure – further information on that structure can be found here: [Anti-racist Wales Action Plan: 2024 update \[HTML\] | GOV.WALES](#)

I have decided that some of the information contained in these documents is exempt from disclosure under sections 38 and 40(2) 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

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 under section 38 of the Freedom of Information Act:

- The names of third sector organisations listed within the Terms of Reference of the Nation of Sanctuary Working Group.
- The names of third sector organisations listed within the Terms of Reference of the Nation of Sanctuary Strategic Oversight Board.

I have decided to withhold the following information under section 40(2) of the Freedom of Information Act:

- The name of the Chair of the Nation of Sanctuary Working Group, who is a Welsh Government official.

This Annex sets out the reasons for the engagement of sections 38 and 40(2) of the Freedom of Information Act.

Engagement of section 38 (Health and Safety) of the Freedom of Information Act

This exemption states:

- (1) *Information is exempt information if its disclosure under this Act would, or would be likely to—*
- (a) endanger the physical or mental health of any individual, or*
 - (b) endanger the safety of any individual.*

The Commissioner's Guidance on s38 states (inter alia):

Section 38 provides an exemption from disclosing information if it would endanger any individual (including the applicant, the supplier of the information or anyone else). The exemption does not necessarily deal with what are usually thought of as health and safety matters, such as establishing the cause of an accident.

The Welsh Government believes that the names of third sector organisations should be exempt from disclosure. This is because of the targeting and direct abuse of certain organisations linked to the Welsh Government's Nation of Sanctuary policy.

Officials have received evidence detailing how involvement with supporting refugees and asylum seekers in Wales has led to online misinformation, targeting and abuse. This clearly evidences the harms that releasing this information may have on individuals.

Third sector organisations have been targeted for abuse, both online and via threats, and the disclosure of this information is likely to escalate issues, resulting in the endangerment of both the physical/mental health of funded organisation staff, as well as endangering their safety.

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

The Welsh Government acknowledges the general public interest in openness and transparency that release of this information would engender. Further, we recognise there is a public interest in supporting the public to better understand the Nation of Sanctuary policy and approach.

Public interest arguments in favour of withholding

The Welsh Government recognises the public interest in avoiding prejudice and harm to individuals, which could arise if this information was released. There is a public interest to protect third sector and Welsh Government staff involved in the Nation of Sanctuary programme. Withholding the information would avoid potential escalation of such risks.

Furthermore, providing a general descriptor of the redacted information (e.g., [Third sector organisation]), supports transparency whilst continuing to mitigate the risks of full disclosure.

Balance of public interest test

The Welsh Government can see no public interest in allowing prejudice to occur and putting people at risk and so believes the public interest favours withholding under the above stated exemption.

Engagement of section 40(2) (Personal Data) of the Freedom of Information Act

Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 1998 ('the DPA 2018') and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

I have concluded that, in this instance, the information requested contains third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

"processed lawfully, fairly and in a transparent manner in relation to the data subject"

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child".

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

1. **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
2. **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate Interest Test

The Welsh Government recognises there is a legitimate interest in being able to identify individuals involved in any forums (to help understand the reason for their involvement). We do not believe, however, there is any legitimate reason why the personal data would need to be released in order to follow and understand the governance structure of this policy area. The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

2. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request – we do not believe it is necessary to disclose the personal data to understand the information. Disclosure of the full personal data of the Welsh Government official is unlikely to be of interest to the wider public.

3. The Balancing Test

As it has been concluded it is not necessary to disclose the personal information caught by the request, there is no requirement to balance the rights and interests of those individuals against the rights, under the Freedom of Information Act, of the requester.

To conclude, as release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.