

16 June 2026

ATISN 26900 - Electoral Registration

Dear

Following on from our partial response to your Freedom of Information request submitted on 21 April 2026, we have now fully considered the use of Section 35 **35(1)(a)** and the strength of the Public Interest Test that underpins the engagement of this exemption. This exemption was being considered for the following aspects of your request:

***Request 1.** Any guidance, policy documents, or internal advice held by the Welsh Government relating to the definition and interpretation of “resident in Wales” for the purposes of electoral registration and voting eligibility.*

***Request 3.** Any documents, correspondence, or legal advice discussing whether temporary residents (including international students or individuals on time-limited visas) are eligible to register and vote.*

***Request 5.** Any records held that consider whether such circumstances present risks, concerns, or policy gaps in the current electoral framework.*

***Request 10.** Any correspondence between the Welsh Government and universities regarding voter registration campaigns, materials, or messaging aimed at students.*

After carefully considering the engagement of Section 35 **35(1)(a)**, we have concluded that the use of this exemption satisfies the public interest test and therefore has been engaged in this specific instance. The public interest test is enclosed 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 2

Public Interest Test

In order to satisfy the public interest test in relation to section 35(1)(a), it is necessary to determine whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Public interest arguments in favour of disclosure

There is a clear public interest in promoting openness, transparency, and accountability in relation to the development of government policy and legislation, particularly in areas of constitutional and democratic importance such as electoral law.

Disclosure of the requested information would assist public understanding of how policy decisions are reached, including the range of options considered, the identification of risks within the existing legislative framework, and the factors influencing ministerial decision-making. This could support more informed public debate and strengthen confidence in the robustness of the legislative process.

There is also a general public interest in ensuring that public authorities are transparent about how they identify, assess, and respond to potential risks or weaknesses within existing legislation, particularly where these may affect democratic processes or public trust.

Public interest arguments in favour of withholding

There is a strong public interest in protecting a “safe space” for Ministers and officials to consider, test, and refine policy options candidly and comprehensively before conclusions are reached.

The withheld information relates to internal deliberations concerning both the development of new legislative provisions and the identification and assessment of potential risks within the existing legislative framework. Such considerations are inherently part of the ongoing process of ensuring that legislation remains effective and fit for purpose and routinely inform advice to Ministers on whether policy or legislative change may be required.

Disclosure of this material would be likely to inhibit the free and frank exchange of views that is essential to this process. Officials must be able to explore potential vulnerabilities, test assumptions, and provide advice, including on sensitive or uncertain issues without concern that such preliminary thinking will be disclosed prematurely.

The risk of disclosure may lead to more cautious and less comprehensive advice, thereby undermining the quality of decision-making.

There is also a public interest in protecting the integrity of policy development. The information comprises draft material, evolving positions, and exploratory analysis which may not reflect settled policy or final conclusions. Disclosure could lead to misunderstanding or misinterpretation, particularly where risks or options are identified but not ultimately pursued.

Furthermore, the policy space remains live. The consideration of potential risks within the legislative framework, and whether these necessitate policy or legislative change, forms part of an ongoing and iterative process. Disclosure at this stage would be likely to prejudice the Welsh Government's ability to continue to undertake this work effectively, including its ability to provide fully considered advice to Ministers.

Balance of the public interest

The Welsh Government recognises the importance of transparency in policy-making and the legitimate public interest in understanding how legislative decisions are developed, including how risks are identified and addressed.

However, greater weight is attached to the public interest in maintaining a protected space for ongoing policy formulation and development. This includes the ability to identify and assess potential weaknesses in the current legislative framework and to consider, in confidence, whether legislative change may be required.

On balance, disclosure of this information at this time would be likely to undermine the effectiveness and integrity of the policy-making process. The public interest in maintaining the exemption therefore outweighs the public interest in disclosure.

However, section 35(1)(a) is designed to protect the process of policy formulation and development, and there is a strong public interest in maintaining a private space in which Ministers and officials can engage in full and frank discussions. In this case, the withheld information forms part of an ongoing or recent process of developing legislative policy and reflects candid internal advice, draft thinking, and evolving positions.

Having considered the competing public interests, we have concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure. Disclosure at this stage would be likely to undermine the effectiveness and integrity of the policy-making process by inhibiting candid discussion and the exploration of policy options.

Accordingly, the information has been withheld under section 35(1)(a) of the Freedom of Information Act.