

19 May 2026

Dear

ATISN 26900 - Electoral Registration

Information requested

Thank you for your request which I received on 21 April 2026. You asked for:

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.

2. Any information held regarding whether a minimum period of residence in Wales is required before an individual becomes eligible to register to vote in Senedd elections.

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.

4. Any assessments, briefings, or internal discussions regarding individuals who may:

- Register to vote while temporarily resident in Wales, and*
- Subsequently leave Wales shortly after voting*

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

6. Any correspondence between the Welsh Government and:

- The Electoral Commission*
- Local Electoral Registration Officers*

relating to the interpretation and application of residency requirements for Senedd elections.

7. Any guidance issued by the Welsh Government to universities or higher education institutions regarding electoral registration information provided to students.

8. Any information held on how universities are expected to communicate voting eligibility to:

- UK students*
- EU students*
- Non-UK international students*

9. Any assessments, reviews, or internal discussions regarding whether electoral guidance provided to students may lead to misunderstanding of eligibility, including any identified risks or concerns.

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

Our response

On **Question 1**, some information relevant to this question is available publicly via Electoral Commission guidance provided below:

Electoral Commission – [Residency requirements for registration purposes](#)

While this provides a relevant explanation of how “resident” is interpreted in electoral law, it is external guidance and does not constitute Welsh Government-held internal guidance, policy documents, or advice.

In specific relation to internal guidance, policy documents or internal advice, I wish to advise you that the Welsh Government believes this requested information should be exempt from disclosure under Section s35(1)(a) of the Freedom of Information Act.

However, the Welsh Government has not yet reached a decision on the balance of the public interest. A summary of the information this applies to is set out at **Annex 1** to this letter.

Additionally, some of the information requested has been withheld under section 42(1) of the Freedom of Information Act 2000 (legal professional privilege). **Annex 2** sets out the reasons for the engagement of section 42 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

On **Question 2**, this question is addressed by publicly available Electoral Commission guidance provided below:

Electoral Commission – [Residency requirements for registration purposes](#)

On **Question 3**, relevant publicly available information is set out in Electoral Commission guidance below:

Electoral Commission – [Residency requirements for registration purposes](#)

While this sets out the general legal framework, it does not include Welsh Government-held documents, correspondence, or legal advice on this issue

Relating to your specific request for documents, correspondence, or legal advice, I wish to advise you that the Welsh Government believes that this information should be exempt from disclosure under Section s35(1)(a) of the Freedom of Information Act.

However, the Welsh Government has not yet reached a decision on the balance of the public interest. A summary of the information this applies to is set out at **Annex 1** to this letter.

Additionally, some of the information requested has been withheld under section 42(1) of the Freedom of Information Act (legal professional privilege). **Annex 2** sets out the reasons for the engagement of section 42 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

On **Question 4**, I wish to advise you that the Welsh Government believes that the information requested should be exempt from disclosure under Section s35(1)(a) of the Freedom of Information Act.

However, the Welsh Government has not yet reached a decision on the balance of the public interest. A summary of the information this applies to is set out at **Annex 1** to this letter.

Additionally, some of the information requested has been withheld under section 42(1) of the Freedom of Information Act (legal professional privilege). **Annex 2** sets out the reasons for the engagement of section 42 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

On **Question 5**, I wish to advise you that the Welsh Government believes that the information requested should be exempt from disclosure under Section s35(1)(a) of the Freedom of Information Act.

However, the Welsh Government has not yet reached a decision on the balance of the public interest. A summary of the information this applies to is set out at **Annex 1** to this letter.

On **Question 6**, Welsh Government does not hold any information within the scope of this specific request.

On **Question 7**, Welsh Government does not hold any information within the scope of this specific request.

On **Question 8**, Welsh Government does not hold any information within the scope of this specific request.

On **Question 9**, Welsh Government does not hold any information within the scope of this specific request.

On **Question 10**, Welsh Government holds information in relation to this request. The information requested has been provided at **Doc 1** to this letter.

On our potential use of Section s35(1)(a) within this request, as previously stated, the Welsh Government has not yet reached a decision on the balance of the public interest.

Due to the need to consider, in all the circumstances of the case, where the balance of the public interest lies in relation to the information that you have requested, the Welsh Government will not be able to respond to your request in full within 20 working days.

I hope to let you have a response by **16 June 2026**.

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

Information being withheld	Section number and exemption name
Q1. <i>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</i>	Section s35(1)(a) of the Freedom of Information Act
Q3. <i>Documents or correspondence, discussing whether temporary residents (including international students or individuals on time-limited visas) are eligible to register and vote.</i>	Section s35(1)(a) of the Freedom of Information Act
Q4. <i>Assessments, briefings, or internal discussions regarding individuals who may:</i> <i>Register to vote while temporarily resident in Wales, and</i> <i>Subsequently leave Wales shortly after voting</i>	Section s35(1)(a) of the Freedom of Information Act
Q5. <i>Records held that consider whether such circumstances present risks, concerns, or policy gaps in the current electoral framework.</i>	Section s35(1)(a) of the Freedom of Information Act

Annex 2

Application of exemptions/exceptions

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:

Information contained within internal email correspondence involving Welsh Government Legal Services and policy officials. This information has been withheld under section 42(1) of the Freedom of Information Act (legal professional privilege).

This Annex sets out the reasons for the engagement of section 42 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of section 42 (legal professional privilege) of the Freedom of Information Act

Section 42(1) provides an exemption for information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Welsh Government considers that the withheld information is subject to legal professional privilege as it consists of confidential communications between legal advisers and officials for the dominant purpose of seeking and providing legal advice in relation to legislative competence and policy development. This includes both the provision of legal advice and communications forming part of the continuum of discussions between lawyers and officials.

Disclosure of this information would undermine the confidentiality of communications between legal advisers and officials and would be likely to inhibit the ability of officials to seek, and lawyers to provide, full and frank legal advice in future.

This would, in turn, adversely affect the quality of decision-making within government.

Public Interest Test

In order to satisfy the public interest test in relation to section 42, it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to outweigh those in favour of release.

Public interest arguments in favour of disclosure

There is a public interest in promoting transparency and accountability in relation to the development of government policy and legislation, particularly in areas concerning electoral arrangements and the extension of voting rights.

Disclosure of the requested information would help to inform public understanding of how legal considerations, including legislative competence and human rights obligations, are taken into account in policy formulation.

There is also a general public interest in ensuring openness in the way public authorities reach decisions, including the legal frameworks that underpin those decisions. Disclosure could contribute to more informed public debate on matters of constitutional and democratic significance.

Public interest arguments in favour of withholding

There is a strong inherent public interest in protecting the principle of legal professional privilege. This principle safeguards the ability of public authorities to obtain full and frank legal advice, which is fundamental to ensuring that decisions are taken in accordance with the law.

The withheld information forms part of a confidential exchange between legal advisers and officials concerning complex and sensitive issues of legislative competence. If such information were disclosed, there would be a real risk that it would inhibit the free and candid exchange of views between lawyers and their clients.

Officials may be less likely to seek legal advice, or may do so in a more guarded manner, and legal advisers may be less willing to provide comprehensive and frank advice.

There is also a public interest in ensuring that legal advice is not disclosed in a way that could be misleading. Legal advice is often provided in a provisional or exploratory manner and may not represent the final position adopted by the government. Disclosure of such material outside its full context could lead to misunderstanding or misinterpretation.

Furthermore, the information relates to a broader and ongoing process of legal consideration and policy development. Disclosure of selected communications within that continuum could prejudice the integrity of that process.

Balance of public interest test

In weighing the competing public interests, the Welsh Government recognises the importance of openness and transparency in decision-making, particularly in relation to matters of public and constitutional significance.

However, section 42 is recognised as carrying a strong presumption in favour of maintaining the confidentiality of legally privileged communications. In this case, the information at issue consists of detailed and candid legal advice provided in the context of developing policy and legislation.

The ability of officials to seek, and legal advisers to provide, such advice in confidence is fundamental to effective and lawful government.

Having considered all the circumstances of the case, we have concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure. Accordingly, the information has been withheld under section 42(1) of the Freedom of Information Act.