15 October 2026

Dear

Re: ATISN 27423 and 27462 – Professor Jason Arday

I emailed you on 21 September to acknowledge your request for an internal review of Welsh Government's response to your Freedom of Information Act (FOI Act) requests. In that response, I explained that your additional questions would be treated as a separate FOI request, ATISN 27547, and dealt with separately to my internal review.

In your original requests dated 26 August and 4 September 2026 you asked for the information at Annex A; the Welsh Government replied to both these requests in one response as there was significant overlap between them.

The Welsh Government response dated 17 September set out that some of the information you requested is held by Welsh Government and this was provided. The response stated that the other information you requested was not held by Welsh Government. The response is at Annex B.

I have now undertaken the internal review and have set out my findings below.

Application of exemption

As you are aware, the Freedom of Information Act (FOI Act) provides a right for anyone to ask a public authority to make requested information available, in effect, 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 particular interest the requester has for accessing the information cannot override those wider considerations.

Having fully considered your complaint and request for internal review, I have decided to partially uphold your complaint because I have found there were a number of documents held by Welsh Government that were not provided in the response to your original FOI Act requests. These include documents referred to in 1(a) and 1(c) of your request for internal review, i.e. 1(a), '*the letter or email appointing him to the External Accountability Group, and terms of appointment'* and 1(c), '*the correspondence inviting expressions of interest to continue beyond 31 March 2026, and any reply from him'* both of which I consider to be included under point 2 of your request of 26 August. However, I can confirm in relation to your request in 1(c), no reply is held on record from Professor Arday.

I am of the view that your original requests were so wide and, in places, lacking in clarity as to exactly what recorded information you were seeking, they may well have been captured by section 12 FOI Act (exemption where cost of compliance exceeds appropriate limit) and that officials could reasonably have refused the requests or asked you to narrow them. Indeed, you recognise the potential for this in both of your original requests which refer to the potential to exceed the appropriate limit. However, since the section 12 FOI Act was not used to refuse the FOI as drafted,

further searches of our electronic records system have been made to capture any further information which may be covered by your original requests.

In relation to part 1(b) in your request for internal review, namely '*Any application, expression of interest or CV he submitted for that appointment',* I have decided that an exemption under section 41 of the FOI Act is engaged, that is to say, the information you have requested is exempt from disclosure because it is information provided to Welsh Government by Professor Arday in confidence. Furthermore, I consider that to disclose the information would constitute a breach of confidence actionable by another person, as set out in the Information Commissioner's Office guidance and relevant case law.

A number of documents which fall within your original request are provided at Annex C. Names of third parties and civil servants have been redacted pursuant to the exemption under section 40(2) of the FOI Act.

In relation to your request for internal review, at 1(d) you also ask for '*Agendas, minutes, attendance lists and apologies for the nine meetings*', but you did not request these specifically in your original request, where you asked for: *Any record, from 2016 to the present, of Professor Jason Arday giving evidence to, advising, being consulted by, being contracted or paid by, sitting on a group convened by, or attending meetings with the Welsh Government, including its sponsored bodies where the Welsh Government holds the record, concerning anti-racism strategy, race equality or related matters'.* Details of the nine meetings and an extract of a record in relation to the Potential Additional Members of Review Panel were provided in response to your FOI Act request. I am still considering other documents that I consider may be covered by your original requests. Unfortunately, this is taking longer than the usual 20 working day period for an internal review. Therefore, I will write to you as soon as possible with any further written information that I consider is captured by your original requests, and which is not covered by any exemption in the FOI Act.

You have asked which business areas were searched, and those areas searched were all the appropriate areas of our electronic filing system.

As regards the information provided in the response to your original FOI requests, on the Anti-racism in Education Sub-group, I am satisfied that it was appropriate to redact the other members' names under s.40(2) of the FOI Act; I note also that you did not in any event request this information in your original FOI requests.

As you highlight, there was a typographical error in the response to you for which I apologise. The reference should have read: ATISN 27423.

In relation to the dates of the two documents you cite as having no date, I apologise for this omission – neither document had the date on it, but I understand the Anti-Racism in Education document was from November 2023, and the Potential Additional Members Review Panel document from May 2023.

As outlined above, I will send you a further response to your complaint as soon as possible.

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 at:

https://www.gov.wales/requesting-information-welsh-government-html

If you remain dissatisfied with this response you 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.

Yours sincerely

A J John

Director, Communities and Social Justice