



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 10709

Date: 27 September 2016

Dear ,

Request for Information – ATISN reference 10710

Thank you for your request which was received by the Welsh Government on 30 August 2016. I have provided my response to each of the questions you submitted, below.

It was announced today (30/08/2016) that the Economy Secretary Ken Skates would be visiting Japan in October. With regards to this trip, can you confirm the following:

(i) From which airport does he intend to fly?

This information is exempt from disclosure under Section 38 (Health and Safety) of the Freedom of Information Act 2000. My reasoning for applying this exemption is provided at Annex 1 to this letter.

(ii) Will the Economy Secretary be flying in Business or First Class? If not either then please specify which grade of ticket he will be flying with.

Business Class.

(iii) How much will the visit cost? Please include travel and subsistence costs for the Economy Secretary and other Welsh Government representatives.

This information is not held. The total cost is not yet known, but it will be published in due course as part of our annual publication of overseas visit costs in excess of £500.

(iv) Who will he be visiting during the trip?

The Cabinet Secretary will be issuing a statement about his visit on his return, including information on the engagements he will have undertaken. This information is therefore exempt from release under Section 22 of the FOIA (information intended for future publication).

My reasoning for applying this exemption is provided at Annex 2 to this letter.

(v) When was the idea for the visit first mooted, and when were the visits organised?

The idea for the visit was first mooted in July 2016. Organisation of it began on 2 September 2016.

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: FreedomOfInformationOfficer@wales.gsi.gov.uk

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

Consideration For and Against Disclosure of Information

Decisions relating to non-disclosure have been taken with due consideration of the exemption identified under Section 38 (1b) of the Freedom of Information Act 2000 (FOIA). Section 38 (1b) reads "Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the safety of any individual. The intention behind the exemption is to prevent the disclosure of information to protect individuals from significant increases in risk to their health and safety.

Section 38 (1b) is a qualified (public interest tested) exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it.

I consider that the release of the information relating to future departure airports would place in the public domain information that could be harmful to Ministers and the public at large. This is because disclosure of departure airports would, potentially, allow for planned and co-ordinated disruption to manifest, the impact of which could be detrimental to both Ministers and members of the public. Whilst it is recognised by Ministers that they are public figures and, by default, they are at an increased risk to be targeted by individuals or groups intent on causing disruption or harm, they also recognise they have a wider responsibility to protect the public (other passengers). If departure airports were released in advance this protection would be significantly reduced.

Public interest consideration

I have considered whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. There are a number of public interest arguments that weigh in favour of disclosing the information you have sought:

- The general proposition of maximising openness that the FOIA aspires to.
- The benefits of ensuring transparent and accountable government by disclosing full travel details of Welsh Ministers.
- Since the Welsh Government owns Cardiff Airport there is a public interest in knowing the extent to which Ministers use the airport.

However, there are also public interest arguments against disclosure:

- Releasing future departure airport information could put Ministers and/or members of the public, who would be travelling on the same flight/s or using the same airport, at risk, endangering the safety of any individual.
- Releasing future departure airport information would provide information to individuals or groups who are looking to attack public figures. It would provide good intelligence on the whereabouts of Ministers putting said Ministers at greater risk as well as fellow passengers and the wider public (who are at said airports on the days that Ministers are travelling).
- The Welsh Government has a duty to ensure that it does its utmost to protect Ministers and members of the public from co-ordinated disruption that could, potentially, escalate into something more serious. The knock on affect of this could see the safety of Ministers/members of the public being reduced. This could also lead to security issues at departure airports, possible delays to other flights and cause mass disruption.

I consider that there is a public interest in withholding the names of future departure airports and it outweighs the public interest in the release of that information, i.e. safety outweighs interest. To this end I can confirm Section 38 (1b) is engaged and the information on the future departure airport has been withheld.

Annex 2

Section 22 – Information Intended for Future Publication

Section 22 states that *Information is exempt information if –*

- a) *The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)*
- b) *The information was already held with a view to such publication at the time the request for information was made, and*
- c) *It is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph a).*

I am of the opinion that subsections (a) and (b) above are met because the information is held with a view to its publication. This information is expected to be published in October 2016, immediately following the completion of the Cabinet Secretary's visit to Japan. With regards to part (c), I have given consideration as to whether it would be 'reasonable in all the circumstances' that the information should be withheld from disclosure until the proposed publication date. I am of the opinion that releasing the information at this time would cause disruption to the Welsh Government's intentions in relation to its publication arrangements. Thus I am content that the exemption is engaged.

Section 22 is a public interested exemption. This means that, in order to withhold information, I must show that the public interest in withholding is greater than the public interest in releasing it. There are a number of public interest arguments that weigh in favour of disclosing now the information you have sought:

- The general proposition of maximising openness that the FOIA aspires to.
- The benefits of ensuring transparent and accountable government by disclosing the planned engagements of Welsh Ministers when undertaking overseas visits.

However, there are also public interest arguments against disclosure now:

- Ministerial itineraries can be subject to change and an accurate and comprehensive list of engagements and those whom the Cabinet Secretary will meet can only be assured when the Ministerial visit is complete. It is of more public benefit for the Welsh Government to publish a fully comprehensive description of the Minister's engagements immediately after the completion of the visit than a potentially incomplete list now.
- Disclosure of a list of engagements now would be of more limited benefit than disclosure as part of a wider statement reporting fully on the actual visit, as is planned. Disclosure as part of this wider statement enables the public to have a fuller picture of the overall purpose and success of the visit.
- Some elements of the Cabinet Secretary's engagements may be commercially sensitive, with the release of information relating to them being appropriate only after they have taken place.

I consider that there is a public interest in withholding the requested information at this time which outweighs the public interest in the release of that information. To this end I can confirm Section 22 is engaged and the information on those whom the Cabinet Secretary will meet on his visit to Japan has been withheld.