



Llywodraeth Cymru  
Welsh Government

Our ref: ATISN 10800  
Date: 20 October 2016

Dear ,

**Request for Information – ATISN reference 10800 – minutes of meetings.**

Thank you for your request which was received by the Welsh Government on 27 September 2016. You asked for the following information:

*the minutes of the Labour – Plaid Cymru liaison committee meetings held since the assembly election.*

I have concluded that the information you have requested is exempt under Section 35 of the Freedom of Information Act (2000) - Formulation of government policy, etc. Section 35 is a public interest tested exemption and, as such, I must show that the public interest arguments for withholding information outweigh those for disclosing. Accordingly, I have set out my arguments at Annex 1 to this letter.

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](mailto: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,



BUDDSODDWYR | INVESTORS  
MEWN POBL | IN PEOPLE

Parc Cathays • Cathays Park  
Caerdydd • Cardiff  
CF10 3NQ

CentralDepartments-FOI/DP@wales.gsi.gov.uk  
Gwefan • website: [www.cymru.gov.uk](http://www.cymru.gov.uk)

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

**Reasons for exempting information for release**

I have decided to withhold the information which relates to your request for:

The minutes of the Labour – Plaid Cymru liaison committee meetings held since the assembly election. The establishment of the committees is referred to here:

[http://www.welshlabour.wales/joint\\_statement\\_moving\\_wales\\_forward](http://www.welshlabour.wales/joint_statement_moving_wales_forward)

Section 35 of the Freedom of Information Act 2000 states (inter alia):

35 Formulation of government policy, etc

(1) Information held by a government department or by the Welsh Assembly Government is exempt information if it relates to—

(a) the formulation or development of government policy.

I believe that an exemption under section 35 is engaged. This Annex sets out the reasons for that engagement and my consideration of the Public Interest Test.

The requested information relates to three separate committees that consider Constitutional, Financial and Legislative issues and comprise of Labour Ministers and Plaid Cymru representatives with the meetings staffed by the civil service.

The options and ideas that are generated by these committees constitute the early stages of policy discussions and development and no policy announcements relating to these discussions have yet been made. I believe it is correct to follow the view expressed by the Information Commissioner previously that an announcement of a fully worked up policy would indicate, in the majority of cases, that a policy has moved from the formulation stage to the implementation stage, which is not the case here. Therefore, as policy is still being formulated, section 35(1)(a) of the Freedom of Information Act 2000 is engaged.

**Public interest test**

Public interest arguments in favour of disclosure

There is a general public interest in the release of information relating to policy development in that it may assist in promoting openness and transparency.

There is a specific public interest in information relating to the ongoing development of policy relating to the Constitutional, Financial and Legislative intentions of the Welsh Government, as any final policy that is implemented as a result of discussions with other parties will affect the people of Wales.

Public interest arguments in favour of withholding

The Welsh Government is in the process of discussing broad policy areas with Plaid Cymru following agreement of the compact to move Wales forward. It is in the public interest that both parties should be able to discuss future policy objectives in confidence and without undue influence as releasing the information prematurely could carry a risk of political pressure being brought to bear by those with a manifest interest and those that may have opposing policy views.

The ability to conduct discussion in a safe and open manner is vital to ensuring robust and frank exchanges of information and contributions. Assurances have been provided to all participants of these discussions that they would be conducted in private so that views and opinions could be

freely expressed. Disclosure of these discussions would lead to less vigorous and in-depth exploration of policy options and disclosure would likely inhibit the Welsh Government's ability to engage such parties in future policy development in the same detail.

#### Balance of public interest test

On balance, the Welsh Government considers that the public interest in favour of withholding the information outweighs the public interest in disclosure.

The requested information relates to early formative policy discussions between the Welsh Government and Plaid Cymru and whilst recognising the arguments in favour of release, it is essential at this early stage that both the Welsh Government and Plaid Cymru have a private forum in which to fully discuss the range of options available away from external interference. The policy areas in discussion have an impact on the people of Wales across the piece, therefore, it is essential that these early discussions have an opportunity to be aired in private.

The parties contributing to discussions have an expectation that their opinions, particularly at the early stages of the discussion process, will not be subjected to public scrutiny. This confidence will allow all parties to comfortably explore many different options, including innovative options that might not be explored further, in an open environment.

At this stage, the outcomes of the committees work cannot be predicted and specific policy proposals being discussed may or may not be adopted by the Welsh Government. Therefore, releasing the information now risks exposing sensitive policy discussions to speculative publicity before all the issues have been discussed and conclusions reached. This could lead to public and political challenge to initial considerations, possibly leading to wider public misconceptions and inflated expectations over future policy direction. The result of this could be that an incomplete and possibly contrary picture could be presented, leading to accusations of inadequate policy development. In conclusion, the Welsh Government believes that disclosure now could lead to significant misrepresentation of the policy intentions, which is at an early stage of formulation and therefore the public interest would be best served, in this instance, by withholding the requested information from release.