



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 11647

Date: 13 November 2017

Dear ,

Request for Information – ATISN reference 11647

Thank you for your request which was received by the Welsh Government on 17 October 2017 about Welsh Government emails, letters, reports and meeting minutes discussing preparations for a 'no-deal' Brexit.

I can confirm that we hold information captured by your request.

Information which is of relevance to your request was published in January in our White Paper published jointly with Plaid Cymru *Securing Wales' Future* and in our Policy document *Brexit and Fair Movement of People*. These documents can be accessed at the links below:

https://beta.gov.wales/sites/default/files/2017-01/30683%20Securing%20Wales%C2%B9%20Future_ENGLISH_WEB.pdf

https://beta.gov.wales/sites/default/files/2017-09/Brexit%20and%20Fair%20Movement%20of%20People-%28EN%29main_WEB.pdf

The Welsh Government is working closely with external stakeholders to understand the implications of a number of different Brexit scenarios through the involvement of groups such as the Cabinet Secretary for Energy, Planning & Rural Affairs' Brexit Roundtable. In doing so we have considered a number of external publications that are already in the public domain such as those based on Food and Agriculture Policy Research Institute (FAPRI)-UK modelling and those produced by industry experts such as Agriculture and Horticulture Development Board (AHDB).

The links to these reports are:

<https://www.afbini.gov.uk/publications/afbi-report-post-brexit-trade-agreements-uk-agriculture>

https://ahdb.org.uk/brexit/documents/Horizon_BrexitScenarios_11oct17.pdf



However I have concluded that some of the information captured by your request is exempt from disclosure under Section 28, 29 and 35 of the Freedom of Information Act 2000 and is therefore withheld. The reasons for applying these exemptions are set out in full at the Annex 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

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

ATISN 11647- Consideration for and against disclosure of information

Decisions relating to non-disclosure have been taken with due consideration of the following exemptions identified under section the Freedom of Information Act 2000.

Section 28 - Relations within the United Kingdom

- (1) Information is exempt information if its disclosure under the Act would, or would be likely to, prejudice relations between any administration in the United Kingdom and any other such administration.

Section 29 - The economy.

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the economic interests of the United Kingdom or of any part of the United Kingdom, or

- (b) the financial interests of any administration in the United Kingdom, as defined by section 28(2).

and

Section 35 – Formulation of Government Policy

- (1) Information held by a government department is exempt information if it related to
 - (a) the formulation or development of government policy.

All of these exemptions are qualified (public interest tested) exemption. This means that in order to engage them, we must show that the public interest in withholding the information is greater than the public interest in releasing it.

Public Interest Test

The Welsh Government recognises that there is a general public interest in understanding the Welsh Government's consideration of issue related to this area. It is also recognised that disclosure would be likely to enhance transparency and openness in the Government's policy-making process and improve public trust.

Section 28

There is also a public interest in ensuring a close and effective working relationship between the Welsh Government and the UK Government. Good relations and engagement are essential at this time as we seek to work with, and influence the UK Government to ensure that the interests of Wales are protected in their negotiations with the EU on the UK's withdrawal and future relationship.

Discussions with the UK Government about internal future arrangements and frameworks are currently underway. As agreement in these areas have not been reached and our negotiations are ongoing, it is our view that the disclosure of information related to this

request could have effect the relationships and have a prejudicial impact on and undermine our position in our negotiations.

Section 29

There is a strong public interest in ensuring that no information is disclosed which could have a prejudicial impact on the Welsh economy and that of the UK as a whole. At this stage the outcome of the negotiations with the EU are ongoing and unknown. We are therefore exploring a range of issues and scenarios within an ever-changing environment which would have potential economic and fiscal impact. Disclosing this information at this stage would introduce uncertainty which could be potentially be harmful to the economy. Disclosure of the information related to the request is likely to have a prejudicial impact on our ability to protect the interests of Wales in ongoing negotiations.

Introducing this potential uncertainty and in eroding trust by disclosing information related to ongoing discussions with business sectors could result in a may have a negative impact in public and stakeholder sector confidence which in turn could be harmful to our economic interests.

Section 35

In relation to the formulation of policy, there is a counter argument in favour of the Welsh Government being able to consider all options in a balanced way.

Whilst initial work in underway with officials reviewing the available evidence base to help inform the future development of Welsh Government policy in this area, the work is constantly in development and is incomplete. It is likely that disclosure would add ambiguity rather than clarity for the Welsh Government's stakeholders and would not aid in our effective delivery of our aim to protect the interests of Wales through the process of negotiating the withdrawal of the UK from the EU.

The negotiations on the UK's withdrawal from the EU are ongoing with no clear indication of what the resulting situation will be. The Welsh Government is exploring a range of potential outcomes and the implications for Wales and the work is in constant development as the negotiations progress and is therefore incomplete. I do not believe that releasing information at this stage would be in the wider public interest.

The Welsh Government is engaging frankly and openly with stakeholders across sectors in order to understand their concerns and needs with regard to this area, across various possible scenarios. Disclosure at this time would potentially inhibit open and frank discussions which must continue to take place with our stakeholders to shape and develop our policy.

It is in the public interest that we maintain a climate of mutual trust and confidence with our stakeholder. If the information were disclosed, there is the potential for this trust and confidence to be eroded which would likely inhibit future close working.

Balance of Interests

Under the exemptions outlined, I believe therefore that the balance of public interest fall in favour of withholding the information for the reasons outlined above.