



17 December 2020

Dear \_\_\_\_\_,

**ATISN 14459**

### **Information requested**

Thank you for your request which I received on 21 October. You asked for the detailed minutes taken and recorded at all meetings of the Hinkley Point Expert Stakeholder Reference Group.

### **Our response**

I have decided that the information described in the enclosed list is exempt from disclosure under section(s) 35 of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption are set out in full at Annex 1 to this letter.

### **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](mailto:Freedom.ofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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 to Template Letter 8**

### **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:

The detailed minutes taken and recorded at all meetings of the Hinkley Point Expert Stakeholder Reference Group since the body was set up earlier this year. The reason for withholding the information is that the Hinkley Group is engaged in the development of Government policy, and the release of the minutes before the Group has concluded its investigations and research is premature.

This Annex sets out the reasons for the engagement of section(s) 35 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

### **Engagement of section 35 of the Freedom of Information Act - Formulation of government policy, etc.**

The Welsh Government believes that detailed minutes and records of the Hinkley Group's meetings should be exempt from disclosure. The Group is operating on a time-bound basis, reporting to the current First Minister, and it has committed to publishing a report with its advice in March 2021. The report will contain records of its considerations, including minutes of meetings.

The Group has been established to assess the views of all stakeholders in the Hinkley Point C development, and is currently in the process of doing so. Disclosing the information at this stage, before all stakeholders have had opportunity to address the Group, would provide indications of the Group's emerging views and would therefore compromise its ability to source further evidence. Should the Group be unable to gather further evidence its investigations would be incomplete and any advice it provided to the Welsh Ministers would be similarly incomplete. The potential to provide incomplete evidence, or evidence weighted towards the interests of those stakeholders whose views have been captured so far, is a serious risk to the reputation of the Group and the principle of providing objective, evidence-based advice to the Welsh Ministers.

A short note of each meeting is published and available for scrutiny on the Welsh Government website. These notes provide the main details of the meetings, including which stakeholders have attended meetings or written to the Group. These notes are published within one week of the meetings taking place, and are available here:

<https://gov.wales/hinkley-point-c-stakeholder-reference-group>

### **Public Interest Test**

In order to satisfy the public interest test in relation to the exemption(s), it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

## **Public interest arguments in favour of disclosure**

The Group is advising Welsh Ministers on an issue of public policy, and providing the minutes would add to the transparency of the Group.

Releasing the minutes may be considered to improve the public understanding of the issues under consideration by the Group.

## **Public interest arguments in favour of withholding**

The Group has not reached agreed and final position on the advice it intends to provide to Welsh Ministers, and the disclosure of the minutes would not provide clarity or improve public understanding of the issues at this stage. The information requested is due to be published in March 2021 as part of the Group's first full report.

The Group's minutes provide indications of the policy options available to the Group, and it is reasonable to expect a policy advisory Group to be able to consider and weigh up options in confidence before choosing a course of action.

## **Balance of public interest test**

It is accepted the minutes of the Group's meetings are potentially of public interest, but our firm view is that the Group must comprehensively conclude its investigations and research impartially. It has not had the opportunity to fully consider all the policy options, because it is still receiving evidence from stakeholders. We believe that releasing the minutes at this stage may mean key stakeholders the Group still wishes to hear from would be reluctant to provide evidence to the Group, which would represent a significant threat to the Group's ability to finalise its work. The Group has set a clear timeframe for concluding its work and reporting its advice, at which stage we will also publish the minutes of meetings.