

ATISN 15409- Attachment to the response letter - Freedom of Information request - Hate speech warnings in Welsh Government Public Consultation exercises

1. Any documents, research or meeting papers, emails or other correspondence relating to the evidence base or analysis of previous consultation responses undertaken when reaching the decision to include the above quoted text in the information on the respective consultation exercises.

<https://gov.wales/consultation-race-equality-action-plan-anti-racist-wales-html>

2. Any documents, meeting papers, emails or other correspondence relating to either or both of the following:
  - (a) consideration of the legal implications of the inclusion of the above quoted text in information on a public policy consultation exercise.

**Information not held**

(b) consideration of the appropriateness, the pros and cons, or benefits and disbenefits and likely impact of the inclusion of the above quoted text in information on a public policy consultation exercise.

**Information not held**

3. A copy of any documents or information relating to guidelines, definitions, thresholds, procedures or protocols to be used and followed by Welsh Government staff when putting the above quoted warnings into action and which "authorities" would be contacted.

**Information not held**

4. Copies of any documents, including email or other correspondence with any of "the authorities" referred to (but not specified) in the quoted text, in relation to passing on "responses containing hate speech" and the process they would follow.

**Information not held**

5. Links to any other Welsh Government consultations, if any (apart from the two listed above), that have included similarly worded warnings.

No other Welsh Government consultations have used similarly worded warnings other than The Race Equality Action Plan and the LGBTQ+ Action plan.

**Additional:**

The Welsh Government is committed to freedom of expression. However, we do recognise this may be a sensitive area of public policy. A statement in relation to not tolerating hateful comments was originally included with the intention of ensuring that no individual or group was discriminated against as a result of their protected characteristics.

We have taken account of concerns raised and have amended the consultation literature accordingly:

*“Respondents are reminded that the right to freedom of expression is a qualified right and there are specific offences in relation to hate crime created by, for example, the Public Order Act 1986 and the Malicious Communications Act 1988. The Equality and Human Rights Commission have produced guidance on issues relating to freedom of expression and where this may be restricted, the guidance is available here: [20150318\\_foe\\_legal\\_framework\\_guidance\\_revised\\_final.pdf \(equalityhumanrights.com\)](#). Please ensure that any response you make to the consultation is lawful.”*