



Our ref: ATISN 18693
Date: 3 August 2023

Dear ,

ATISN 18693

Thank you for your request which I received on 6 July 2023. Further to the response issued to you under ATISN 18674, you asked for the following information:

Costs for each site for just keeping these buildings open.

I have concluded the information you are seeking is exempt under Section 22 of the Freedom of Information Act (2000) – information intended for future publication. I have set out my reasons for non-disclosure at Annex 1.

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 e-mail: Freedom.ofinformation@gov.wales

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

Telephone: 0303 123 1113
Website: www.ico.org.uk

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

Engagement of section 22(1) (Information intended for future publication)

Whilst I can confirm that the Welsh Government holds information of this description, it is considered exempt under section 22 of the Freedom of Information Act. This states (inter alia):

1) *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 when 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 can confirm that the conditions under (a) and (b) are satisfied. Welsh Government does hold the information being requested. Information will be published later in 2023 alongside previously published reports which can be found here [State of the estate report 2020 to 2021 | GOV.WALES](#)

For (c), the Welsh Government believes that it is reasonable in all the circumstances that the information should be withheld from disclosure until that time. Publishing the requested information now may not reflect the information that will be published on the website; it could be misleading and not present an accurate picture. For that reason, we believe it is reasonable for the publication schedule to remain to ensure the accuracy and integrity of the information, providing Welsh Government the necessary time to review and reconcile information.

Public Interest Test

Section 22 is also a public interest tested exemption. This means that in order to withhold information under it, it has to be shown that the public interest in withholding the information outweighs that in releasing it. Whilst Welsh Government acknowledges the general public interest in openness and transparency that release would engender, we believe the release of information at this stage would be confusing and may not present complete overall information (and information in context) compared to that which will be published.

The Welsh Government believes that the currently held information should be exempt from disclosure on the basis that more accurate and complete information will be set out within the annual publication of the State of the Estate report. Welsh Government is preparing information for the 2022/23 report which if released now, may present an inaccurate picture.

Public interest arguments in favour of disclosure

- The general presumption of openness that the FOIA aspires to.

Public interest arguments in favour of withholding

- The intended publication date is in the not too distant future;
- Information released through the Freedom of Information Act is released to the world and not just the requester. The information in scope is still subject to quality assurance ; and
- Disclosure of this information before the publication date may compromise trust in the accuracy of official information.

Balance of public interest test

On the basis of the above, we conclude that on balance the public interest arguments are in favour of withholding the information at this time.