

23 November 2023

Dear

**ATISN 19186**

Thank you for your request which was received on 19 October 2023. You asked for the following information:

Copies of the impact assessments referred to by the finance minister in Plenary on 4 October 2023.

To clarify, seeking reports on all the impact assessments by Welsh Government departments -- including the finance department and Welsh Treasury, and the "cumulative" assessment mentioned above - as part of the update to the government's 2023/24 financial position.

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

For all other impact assessments, I have reached the conclusion that it will cost more than the appropriate limit established in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to consider your request. The appropriate limit specified for central government is £600. When calculating whether or not your request exceeds appropriate limit, I am allowed to consider the time it is likely to take to establish if we hold the information, locate the information, retrieve the information and extract it. If these tasks are estimated to take more than 24 hours of working time, the limit will have been exceeded.

An initial scoping exercise was undertaken by a member of staff on our Welsh Government database, iShare. This is the corporate repository for the majority of information created and received by Welsh Government Officials.

A simple search on iShare using the words "Equality Impact Assessment", "Impact Assessment" and "EIA" for 2023 (initially limited to just 500 results) identified 1500 results. There could be more than 500 documents if the limit is increased but even for the initial 1500, not all of the results would be within the scope of your request.

At an estimate of taking 30 seconds to investigate each document to see if it contains any relevant information and to then extract it would take in excess of 24 hrs for this exercise alone. The limit is further exceeded for any similar searches for 2024 information. I have therefore decided not to process this part of your request.

You may wish to refine your request by narrowing its scope but any narrowed scope may require a similar exercise to carried out to locate, extract and retrieve information.

Any refinement of your question will be treated as a new request.

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](mailto: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](http://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 as requested, 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.

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 in due course; it could be misleading and not present an accurate picture. For that reason, we believe it is reasonable for the “Cumulative Impact Assessment” to not be disclosed at this stage to ensure the necessary time for final checks on the accuracy and integrity of the information.

### Public Interest Test

Section 22 is 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 the complete and final information that will be published.

### 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; and
- Information released through the Freedom of Information Act is released to the world and not just the requester. The final, published information may vary to that which is still subject to accuracy and integrity checks making it possible that confusion could arise when comparing different versions and potentially leading to incorrect conclusions being drawn.

### 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. The public interest in this information will be met by the publication of the Impact Assessment in due course.