

25 November 2024

Dear

## **ATISN 22057 FM and CMO WhatsApp Messages**

Thank you for your request which I received on 28 October. You asked for:

*WhatsApp messages from the Covid 19 pandemic for both Mark Drakeford and Frank Atherton.*

I have taken the period of your request to apply from 21 January 2020 when the World Health Organization published its 'Novel Coronavirus (2019-nCoV) Situation Report, up to 30 May 2022 when the then remaining Covid-19 restrictions were lifted in Wales.

### **Our response**

I have decided that the information you have requested is exempt from disclosure under section 32(2)(b) of the Freedom of Information Act – Court, inquiry or arbitration records and is therefore withheld.

*(2) Information held by a public authority is exempt information if it is held only by virtue of being contained in—*

*(a) any document placed in the custody of a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration, or*

*(b) any document created by a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration.*

The reason for applying this exemption is set out below.

In a letter from the Secretary to the Inquiry to the Director General for Propriety and Ethics in the Cabinet Office in January 2022, it was requested that organisations across Government, including Devolved Governments “...ensure that a full and clear record of their part in events exists, is accessible, and that they apply a precautionary principle by retaining all material that could be relevant - including emails, text or WhatsApp messages and other communications.”

[Letter to the Director General, Propriety and Ethics at the Cabinet Office - UK Covid-19 Inquiry.](#)

As the UK Covid-19 Inquiry is ongoing and requests for information continue to be made, any WhatsApp messages must be retained by individuals and organisations on this basis. The information is only held by virtue of being required by the inquiry, and would otherwise not be held.

Any device used for communicating via WhatsApp would have been personally owned or issued by the Senedd (in the case of Mark Drakeford); Welsh Government devices do not have WhatsApp installed on them.

Section 32 is an absolute exemption therefore there is no requirement to carry out a public interest test.

### **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.

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