



Llywodraeth Cymru
Welsh Government

30 June 2021

Dear

ATISN 15249 – Register for Breeders

Thank you for your request asking for any information on the Government's proposals to register any commercial breeders for shooting. You have also asked for specific information on the timescales of said proposals which may or may not include public consultations and stakeholder engagements.

Welsh Government does hold some information that falls into the scope of your request. This correspondence is being withheld under the following FOIA exemption:

- Section 35(1)(a) of the FOIA covers any information relating to the formulation and development of government policy.

We have concluded that, in this instance, information related to this request, is held for the purpose of formulation and development of government policy and will be withheld and is therefore exempt under Section 35(1)(a) of the FOIA at this time and should be withheld. We have set out our consideration of the case below.

We have committed to developing a national model for regulation of animal welfare, introducing registration for animal welfare establishments, commercial breeders for pets or for shooting, and animal exhibits. We are committed to improving our already high standards of animal welfare and we will engage with stakeholders as we examine the evidence around the breeding and rearing of gamebirds.

Engagement of Exemptions

When considering the release of information captured by a request we are required to consider the potential effects of disclosure of the information to the wider World. This is

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.

Welsh Government
Cathays Park
Cardiff
CF10 3NQ

because information released in response to a FoI request is released to the World, not just to the person submitting the request. As such we need to take into account how any other individual may use, or misuse, the information if it is placed into the wider public domain. So whilst the requestor may have a legitimate, and benign, interest in accessing the requested information, we could conclude that the risk that the information could be misused by others is more compelling and thus the information should be withheld.

Section 35(1)(a) covers any information relating to the formulation and development of government policy.

In particular, the FOIA says:

*Information held by a government department or by the Welsh Assembly
Government is exempt information if it relates to—*

(a) The formulation or development of government policy,

Officials have carefully considered all of the information captured by this request and consider that the information in question should be exempt under Section 35(1)(a) of the FOIA. The information so far collected by Welsh Government has been expressly collected with a view to its use in developing a national model for regulation of animal welfare, introducing registration for animal welfare establishments, commercial breeders for pets or for shooting, and animal exhibits. That is, the information has been collected expressly for the development of government policy.

This is a public interest exemption. This means that in order to withhold information under its provisions, it has to be shown that the public interest in withholding the information outweighs that in releasing it.

Public interest arguments in favour of release

We recognise that there is a clear public interest in understanding how government policy is being formulated in general, and that this particular policy will be one of significant public interest. There is also a clear public interest in widespread public involvement in the development of policy, as it is important that policy should fairly and properly reflect evidence and be developed in the light of all points of view.

Public interest arguments in favour of withholding

Although there is a clear public interest in understanding of the intended policy prior to its implementation, the policy creation process itself provides an opportunity for public consultation and public engagement will be actively sought at that stage and prior to any decisions or implementation of the policy.

Furthermore, prior to the public consultation, it is important that those involved in the initial formulation of the policy, which will itself be consulted on, should be able to do so in a safe space, free from external pressures, lobbying or attention that could subvert the policy creation process or derail the policy.

In this particular case, we believe that placing the preliminary information that has so far been sought would also provide an unbalanced view of the policy, as we have only begun to receive policy contributions, and so only information from limited sources would be available. This would place an unbalanced view of the policy into the public domain that would be likely to misrepresent the position of Welsh Government, and would damage public perception of the policy.

Conclusion

We believe that the strong public interest in the nature of this policy will be answered when the policy goes out for public consultation, and this being the case, it is our view that the public interest in withholding this information outweighs the public interest in release. This is a time limited exemption.

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

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