



Llywodraeth Cymru
Welsh Government

E-mail request

Our ref: ATISN 15446
Date: 20 September 2021

Dear

ATISN 15446 - Freedom of Information request - Changes to warning to respondents in Welsh Government Public Consultation on the LGBTQ+ Action Plan

Information requested

Thank you for your request which I received on 21 August 2021. You asked for:

Any information held regarding:

1. Any information relating to the decision to remove the earlier version of the warning from the consultation webpage.
2. Any information relating to the decision to amend the information on the consultation web page to its current wording.
3. The date on which the LGBTQ+ Action Plan consultation web page was amended to include the new version of the warning text.
4. The rationale for not indicating that there had been a substantive amendment to the text of the warning on the web page, either by explanation or by indicating that the web page had been amended since it was published on 28 July 2021.

Our response

I can confirm that Welsh Government holds information of this description

Q1. Any information relating to the decision to remove Version 1 of the warning from the consultation webpage.

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.

Q2. *Any information relating to the decision to amend the information on the consultation web page to its current wording.*

The decision in question was made as a result of a previous freedom of information request. This, along with our response, can be found on our disclosure log here:

<https://gov.wales/atish15409>

Certain of this information has been redacted under the following exemptions contained within the Freedom of Information Act 2000.

Section 40 – Personal data

As well as this, there was further internal correspondence that has been captured by your request. This, however, is considered exempt under Section 42(1) – Legal professional privilege

A full explanation of our application of these exemptions is set out in Annex 1.

3. *The date on which the LGBTQ+ Action Plan consultation web page was amended to include the new version of the warning text.*

11th August 2021

4. *The rationale for not indicating that there had been a substantive amendment to the text of the warning on the web page, either by explanation or by indicating that the web page had been amended since it was published on 28 July 2021.*

It's important to note that the Freedom of Information Act gives individuals a right of access to recorded information held by a public authority at the time the request was received. It does not require an authority such as the Welsh Government to provide views or opinions where those views are not already recorded. This is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information', page 7:

"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."

To that end, I can confirm the Welsh Government does not hold any recorded information that fits the description provided

However, I can confirm the "Last updated" dates for content on GOV.WALES do not get updated unless something has been added or amended that substantively changes the nature or meaning of what has already been published.

On this occasion, the paragraph that was added was in response to receiving a number of inappropriate/offensive comments and therefore did not change the nature or proposition of the consultation.

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

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