

14 October 2022

Fol request ATISN 16536 - Internal review

Dear

Further to your correspondence dated 16 September an internal review has been undertaken, the findings of which are included below.

In your correspondence you asked:

Please carry out an internal review of Welsh Government Equality Branch's handling of my FOI request 'External meetings about LGBTQ+ Action Plan' made on 1 August 2022.

1. In your response of 30 August you stated that complying with my request would cost more than the appropriate limit. However, you have come to this view on the basis of an astonishingly wide interpretation of my request. I asked for information about meetings held or requested in relation to the LGBTQ+ Action Plan, but you have chosen to interpret it as a request for all information about meetings relating to anything that is mentioned in the Action Plan. That is clearly not what I was asking for. My request was for information relating to meetings about the Action Plan itself, such as meetings to discuss what is or should be included in the Plan or to review its contents. It was obviously not a request for information about meetings to discuss everything done by the Welsh Government that does or could affect LGBTQ+ people. It would have been bizarre for me to make such a wide request, which would evidently have been likely to exceed the appropriate limit.
2. After you have considered what I actually requested, if you still come to the view that answering would exceed the cost limit, please provide a more precise response than your first attempt. And this is my second complaint about your response. You gave no indication of the amount by which complying would exceed the appropriate limit apart from saying it would take "much more" than 24 hours. How much more: a couple of days or many months? Without knowing that, it would have been impossible for me to know whether it was worth trying to refine my request.
3. My third complaint is that your response did not answer the second part of my request, which was for information about requests to meet Welsh Government ministers or officials that did not in fact result in a meeting. Your response only mentioned the large number of meetings that actually take place and made no

reference to the likely costs of retrieving information you hold about requests for meetings that were refused or not answered.

4. Finally, if you think that you could answer the second part of my request without exceeding the appropriate limit, but that answering the first part would exceed that limit, please provide the information covered by the second part of my request.

Your original request:

1. All information held by the Welsh Government relating to meetings between representatives of the Welsh Government (including Ministers and officials) and external organisations or individuals in relation to the LGBTQ+ Action Plan. For the avoidance of doubt, this request includes (but is not limited to):
 - information about meetings taking place both before and after the publication of the consultation on the draft action plan;
 - details of when the meetings took place and who attended (including, where relevant, which organisations they represented and what posts they held in the organisations);
 - all meeting agendas, documents provided for the purposes of meetings, any minutes or other notes of meetings or other internal correspondence describing what was said, and documents provided or other correspondence sent as a result of the meetings.
2. All information held by the Welsh Government relating to requests by external organisations or individuals for meetings to discuss the LGBTQ+ Action Plan, where no meeting took place. For the avoidance of doubt, this includes (but is not limited to):
 - details of who made the requests for meetings and when they did so;
 - copies of the requests to meet and any replies to the requests (or any information relating to why no reply was made);
 - any other information about why any request to meet was refused;
 - any other internal correspondence about the requests.

Review of handling of original request:

Background: The LGBTQ+ Action Plan was committed to by the then Deputy Minister and Chief Whip, Jane Hutt AM in 2020. Given the request asked for information in relation to meetings *taking place both before and after the publication of the consultation on the draft action plan*, officials set the parameters of January 2021 to the present, for the period over which to search for information, given it was at this point that work started in earnest on the Action Plan, following a pause during the Covid 19 outbreak.

The Request for Information Handling Assessment document which was completed as part of dealing with the original request states:

In order to provide...the information that they have requested, it would require several weeks of work to gather all the correspondence concerning meetings, internal and external, with stakeholders, officials and ministers. This is due to the fact that the LGBTQ+ Action Plan gathers over 50 actions across several departments and policy areas of Welsh Government. Within the LGBTQ+ policy area, most daily and weekly meetings, internal or external ones, concern actions described in the Plan, since 2021. With an average of 15 to 20 meetings per week and dozens of emails to arrange them, multiplied for each official working in the LGBTQ+ Policy Area and/or leading on each action, over c.2 years, it would make this request excessively laborious and costly, and effectively more than the limit specified for central government.

1,575 items were found in one of the official's email folders since March 2022. At least 3 officials have been working on this since then, so we can reasonably estimate at least double those figures over the past five months. This calculation would have to be extended to the whole time period cover by LGBTQ+ Action Plan-related activities since the start of the process.

The review found that the initial search within Outlook had been performed correctly in terms of the number of records found, to reach an estimated figure of 3000 outlook items to search.

A search was also conducted within our electronic filing system of the exact phrase 'LGBTQ+ Action Plan' which uncovered 3000+ documents to be reviewed to check for relevance to the request.

As part of the review of the initial response, an enhanced search function was utilised within our electronic filing system which uncovered 899 documents to be reviewed and checked for relevance to the request. Although this reduced the documents for checking within our electronic filing system by over 2000, it would still take an estimated 3 minutes per document to open, read, assess for relevance for the FOI, check off and either save to be shared in the final response or move on. To reach the estimate of 3 minutes per document, a sampling exercise was undertaken, by reviewing 25 documents, calculating the average time per document and extrapolating this for the number of documents identified.

This brings the estimated total time to undertake the work for this first part of the FOI to over 194 hours (3899 documents x 3 minutes).

The original decision in relation to the FOI exceeding the Appropriate limit to complete was found to be correct.

In view of the third and fourth parts of the requester's complaint, officials also considered the second part of the original request, which asked about 'meetings in relation to the LGBTQ+ Action Plan'. It would be possible to provide the information requested in relation to Ministerial meetings, since details of such meetings with external organisations and attendance at engagements are published every three months on the Welsh Government website. Although the list does not contain details of the subject of the meeting, this link could have been used by officials to filter for meetings which in relation to the LGBTQ+ Action Plan.

However, the original request did not specify ministerial meetings but rather asked for “All information held by the Welsh Government relating to meetings between representatives of the Welsh Government (including Ministers and officials) and external organisations or individuals in relation to the LGBTQ+ Action Plan”. Officials had no grounds to narrow the scope of the request to just ministerial meetings. It was therefore reasonable to calculate the time required to address the request as a whole.

Addressing specific elements of complaint:

1. Complaint not upheld. Officials did not choose to interpret the request as a request for all information about anything that is mentioned in the Action Plan. Search parameters were set in accordance with the wording of the request, and a large number of documents were identified for review. The language and detail used in the request indicated (and emphasised) that an inclusive response was required. Officials did not narrow the request beyond the scope as stated as it was felt doing so would not meet the request.
2. Complaint upheld in part. The review found that additional information, over and above the obligations held under FOI rules, was provided in the response which advised how the request could be narrowed to fit within the Appropriate Limit. However, this information could have been expanded to provide details of the length of time Welsh Government estimated it would take to comply with the request. In order to provide further advice and assistance to help the requester bring any subsequent request to within the time limits, the requester could also have been asked to think about focussing their request onto specific information, rather than ask for everything in the hope it catches what they want. This could have included: What specific questions is it they want the answer to; what particular aspect of the Action Plan, or the development of the Action Plan do they have an interest in, or want to understand better?
3. Complaint not upheld. The response was given in relation to the overall request, in accordance with standard procedure for responding to FOIs. Although the review found that information in relation to Ministerial meetings only could have been obtained within the Appropriate Limit, it was reasonable to assess the request as a whole.

Yours sincerely,

Equality and Human Rights Division

Welsh Government