

12 April 2024

Dear

## **ATISN 20345 – Ministerial Visit to India**

Thank you for your request in relation to the visit to India by the former Minister for Health and Social Services. You asked for:

*Q1. How many people went on this trip and who were they?*

*Q2. A breakdown of all costs incurred to the British/Welsh Government, including all transport, accommodation, meals and translation services.*

*Q3. What was the carbon footprint of the total journey, where is this information recorded and how will it be offset?*

*Q4. Any texts/speeches/documents relating to what is described in WG communications as follows: A key focus...is progressive policies on LGBTQ+ rights.*

A response to each of your questions in turn is provided at **Annex A**.

### **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 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 A – Response

### Q1. How many people went on this trip and who were they?

The information requested is exempt under Section 21 of the FOI Act (Information accessible to the applicant by other means). The answer to this question was published as a result of a Written Question on 4 March 2024 and can be found using the following link [Written Question - WQ91638 - Welsh Parliament \(senedd.wales\)](#).

### Q2. A breakdown of all costs incurred to the British/Welsh Government, including all transport, accommodation, meals and translation services.

I have concluded that the information you requested is exempt under Section 22 of the Freedom of Information Act (2000) - Information intended for future publication. Details of Ministerial visits overseas and gifts are published in line with the Ministerial Code and this information will be published with the next tranche of information in 2024.

Section 22 is a Qualified Exemption and, as such, is subject to a Public Interest Test. Further details are at **Annex B**.

### Q3. What was the carbon footprint of the total journey, where is this information recorded and how will it be offset?

The Welsh Government does not hold recorded information on the carbon footprint of the travel. However, Welsh Government set aside funding to support international development projects that help combat climate change. Several projects are funded each year – most prominently the Mbale Tree Programme which plants trees in Uganda.

### Q4. Any texts/speeches/documents relating to what is described in WG communications as follows: A key focus...is progressive policies on LGBTQ+ rights.

Specific information pertaining to the briefing material around the LGBTQ+ event is exempt from publication under Section 27 (International Relations). Section 27 is a Qualified Exemption and subject to a Public Interest Test (**Annex B**).

However, for transparency, I have provided the following summary from the Minister's programme which relates to LGBTQ+ rights.

An informal reception was held on 28 February 2024 in Mumbai. Guests included LGBTQ+ activists and community members, alongside members of the LGBTQ+ diplomatic community. There were private discussions prior to the main reception to discuss LGBTQ+ rights with Prince Manvendra<sup>1</sup> and diplomatic representatives from France and the Netherlands.

The reception brought together LGBTQ+ activists based in India in order to hear their stories and highlight the work undertaken in Wales on LGBTQ+ rights. The overall aim of the reception was to show Wales' support for the LGBTQ+ international community and to hold informal discussions about potential collaborative opportunities. This engagement with the international community is part of our LGBTQ+ Action Plan and is crucial to offering both moral and practical support to local activists and signalling to Indian authorities the global importance of LGBTQ+ rights and equality.

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<sup>1</sup> Please note that Prince Manvendra Singh Gohil's name is already in the public domain as a result of meeting the Minister, due to his work as an LGBTQ+ rights and HIV activist. Other attendees' names have been withheld under the Data Protection Act.

## **Annex B – Public Interest Test**

### **Section 22: Information intended for future publication.**

The Welsh Government believes that Section 22 is applied in relation to the requested information. Section 22 of the Freedom of Information Act is subject to the public interest test. This means that in order to withhold information under its provisions, any personal interest of the requester notwithstanding, 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:

The general presumption of openness and transparency, which the Freedom of Information Act aspires to.

#### Public interest arguments in favour of withholding:

This information is published as a requirement in the Ministerial code. This information will be published along with details of other Ministerial visits overseas according to the usual schedule. The information for the financial year 2023-24 will be published after the conclusion of the 2023-24 financial year.

The Welsh Government acknowledges the public interest in openness and transparency, and it is a long-standing requirement that details of Ministerial visits overseas, including the costs, are published in line with the Ministerial code.

Therefore, we believe the public interest would be better served in the information being published at the appropriate time. To that end, I believe the information should be withheld under s22 of the Act, until it is published in due course at the following link:

<https://www.gov.wales/ministerial-code-information-publication-6th-senedd>

### **Section 27: International Relations**

The exemption states: Section 27(1) Information is exempt if its disclosure would, or would be likely to, harm UK interests which are set out in the exemption. Sections 27(2) and (3) provide an exemption for information obtained in confidence from another state, international organisation or international court. Section 27(4) provides an exemption from the duty to confirm or deny whether information is held if doing so would or would be likely to prejudice the interests protected by section 27(1) or would involve the disclosure of confidential information protected by section 27(2).

#### Public interest arguments in favour of release:

The Welsh Government acknowledges the general public interest in openness and transparency that release would engender. Further, we recognise that there is public interest in understanding the process by which the Welsh Government discusses certain policy matters with foreign governments and representatives that the release of the information could lead to greater transparency and openness in the way the Welsh Government conducts business with other governments, which can improve accountability and public trust.

#### Public interest arguments in favour of withholding:

I have considered the information held and believe that its release would be prejudicial to Welsh Government's future ability to have frank and open discussions with international stakeholders, including foreign governments, and would affect Welsh Government's ability to gather information to conduct effective policy making across a wide number of areas with countries where we have common interests. The release of this information will inhibit the openness of discussions. Disclosure of the information, which was generated within this

climate of trust and expectation of confidence, would be likely to result in the same trust and confidence being eroded and a reluctance to share information which would be likely to prejudice relations between both parties on both this and other matters. Such prejudice would not be in the public interest.

Furthermore, whilst the Supreme Court of India decriminalised homosexuality in 2018 by striking down Section 377 of the Indian Penal Code, significant challenges still persist in achieving full legal and societal acceptance for the LGBTQ+ community in India. The Supreme Court's refusal to recognise or legalise same-sex marriage underscores the ongoing struggle for equal rights and societal acceptance for LGBTQ+ individuals in the country. This decision highlights not only the legal hurdles but also the deep-rooted societal stigmas and restrictions that continue to impact the lives of LGBTQ+ people in India. As a result, the release of detailed information from the Minister's briefing pack around LGBTQ+ events could result in further discrimination for attendees.

I believe therefore that the balance of the public interest falls in favour of withholding the withheld information for the reasons outlined above.