

09 March 2026

Dear

## **Complaint in respect of ATISN 26258 Donations to DEC Middle East Appeal**

You wrote on 12 November 2025 asking for an Internal Review of our use of s42 of the FoI Act to withhold some information from our response to your request for information on the donation to the Disasters Emergencies Committee (DEC) Middle East Humanitarian Appeal.

Firstly, I would like to apologise for the extended period of time taken to provide a substantive response to this call for an Internal Review and thank you for your patience.

After careful consideration we remain of the view that the s42 exemption was correctly applied with regard to the information withheld in response to your request. This includes the analysis of the public interest test as provided in our response of 12 November 2025. Consequentially I do not uphold your complaint.

In addition, we are also of the view that the information falls within the scope of the exemption provided by s36(2)(b)(i), 'free and frank provision of advice' of the FoI Act.

*Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—*  
*(b) would, or would be likely to, inhibit—*  
*(i) the free and frank provision of advice,*

The opinion of the 'Qualified Person' (the Counsel General) provided on 23 February 2026 was that the exemption was engaged and that disclosure would be likely to prejudice the free and frank provision of advice.

This exemption is a qualified exemption, and our consideration of the public interest test is set out below.

### Arguments for Releasing the Information

The Welsh Government acknowledges the general public interest in openness and transparency and that this weighs in favour of the release of this information. The Welsh Government also recognises there is a general public interest in an open and transparent Government to help the public to understand how decisions are made. Releasing information which sets out the legal basis that the Welsh Government relies on to enable it to make charitable donations for the purposes of humanitarian aid would provide transparency about the workings of government, including the powers that are relied on to enable its activities.

### Arguments for Withholding the Information

The release of the information would prejudice the effective conduct of public affairs for the following reasons.

If the views / recommendations of officials were to become public knowledge, then it would be likely that this would be likely to impact on the ability of officials to provide free and frank advice to Ministers.

Good governance and decision making relies on the ability of officials to provide frank and candid advice to Ministers. During this deliberative process, it is important that those involved are able to express themselves openly so there can be a full consideration of different points of view before any final decision is reached. There is a real possibility that the disclosure of such advice would be likely to result in a demise in the candour of future advice. There are numerous examples of officials being criticised, pilloried or even threatened, on social media simply for doing their job, and providing advice that some individuals disagree with.

It is also not in the public interest to inadvertently cause harm to an organisation, such as the DEC, by releasing information that discusses the merits of making a donation to a humanitarian appeal.

### Conclusion

Given the above, we believe it is not in the wider public interest to make these opinions public knowledge as doing so would be likely to inhibit the open expression of advice in future advice. We are of the view that the public interest falls in favour of maintaining the exemption and, as such, are withholding the information from disclosure.

### **Next steps**

I have considered your complaint in accordance with the procedure outlined in the [Welsh Government's Practical Guide for Making Requests for Information](#) which is available by post on request or via the internet.

If you remain dissatisfied with this response you 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.

Yours sincerely

**Cyfarwyddwr - Cysylltiadau Rhyngwladol a Masnach**  
**Director - International Relations and Trade**

**Llywodraeth Cymru**  
**Welsh Government**