

Dear

ATISN 26827: Request for a Review

Thank you for your email of 22 April 2026 requesting an internal review of the Welsh Government's response to your Freedom of Information request referenced above. You asked that the internal review:

“Revisit the “not held” conclusion in relation to part 1 in light of those searches and discloses the information if held”

This was not part of ATISN 26827. Rather, it was part of ATISN 26695, which has already been subject to an internal review, whereby the original decision was upheld.

The request also asks for the internal review to:

“Reconsider part 2 on a segmented basis, rather than treating all correspondence and attachments from 1 October 2021 onwards as a single undifferentiated class”

“State expressly whether it considered redaction, extraction of particular categories of document, staged chronological disclosure, or separate treatment of older material, and if not, why not”;

“Explain what material or classes of material were put before the qualified person for the purposes of section 36, whether they were considered in categories or as a whole, and how the conclusion was reached that the exemption applied across the entirety of the material” and

“Confirm whether section 35 was considered, given the statement in Annex 1 that the reports inform “policy direction”, and if so, what conclusion was reached”

Our response

I have now completed my review of the handling of your request. The review has been carried out by an official who was not involved in the original decision. The FoI Act provides a right of access to recoded information rather than documentation. This means that we routinely consider each piece of information separately.

I am satisfied that the information described in the second part of the request is exempt from disclosure under sections 36(2)(b)(i) and 36(2)(c) of the Freedom of Information Act, for the reasons set out in the original response.

The opinion of the **qualified person** (a Welsh Minister) was appropriately obtained in line with the requirements of the Act, and I am satisfied that this opinion was reasonable.

The original decision is therefore upheld.

I am attaching your full request in italics at Annex A, in accordance with the request in your email of 22 April.

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

Deputy Director Learner Pathways Division
Welsh Government

Annex 1

From: (Redacted information)

Sent: 22 April 2026 11:57

To: Freedom of Information Officer

Subject: ATISN 26827 - Request for a Review

Dear Fol Team,

I write to request an internal review of the Welsh Government's response dated 21 April 2026 to ATISN 26827.

This request cannot properly be assessed in isolation. The current response forms part of a sequence of materially different positions taken across ATISN 26695, ATISN 26756 and ATISN 26827 in relation to the same underlying subject matter. That sequence is directly relevant to the present review, because it goes to whether the Welsh Government has correctly identified what information it holds, correctly interpreted the requests made, and correctly applied exemptions to the material now acknowledged to exist.

The Welsh Government's position has moved from a broad assertion that relevant information was not held, to an acknowledgement on internal review that Welsh Government held at least one access-related document referring to the HateLab dashboard, to a position that identifying Community Cohesion reporting would require review of all correspondence and documentation over several years, and now to a position in which a substantial body of related material is treated as held but withheld in its entirety under section 36. That progression is important because it shows that the current refusal concerns a substantial and recognised body of material, not a speculative or marginal set of records.

Against that background, the response to ATISN 26827 raises two central issues.

First, the conclusion that no information is held in respect of the testimonial in SC33 is not adequately explained. The request did not seek a general category of background material. It sought the correspondence and attachments in which a specific piece of text was requested, drafted, discussed, approved or sent for inclusion in a Senedd Committee submission. The request quoted that text verbatim and expressly directed the Welsh Government to search for the exact sentence. That sentence appears in a testimonial publicly attributed to the "Welsh Government Inclusion and Cohesion Communities Division", describing internal reporting practices.

In those circumstances, a bare statement that no information is held is not sufficient. In a case of this kind, where the request identified a specific text, a specific public document, and a specific attribution, the review should address the adequacy of the searches actually carried out, not simply restate the conclusion reached. If that conclusion is to be maintained, the review should set out clearly what searches were undertaken for the quoted sentence, which systems and accounts were searched,

which officials were consulted, whether communications with Cardiff University relating to the SC33 submission were searched, and why those steps justify the conclusion that no relevant recorded information is held. Without that explanation, the conclusion is difficult to reconcile with the public attribution of the testimonial and the specificity of the request.

Secondly, the refusal under section 36 is framed at a level of generality that does not demonstrate why withholding the entirety of the requested material is justified. The Welsh Government now expressly identifies the withheld material as all correspondence and attachments sent by the Community Cohesion teams to the Welsh Government's Inclusion and Cohesion Team from 1 October 2021 onwards, in chronological order. This is not a narrow or incidental set of documents. It is a multi-year body of reporting and associated correspondence which, on the Welsh Government's own account, informs awareness of community issues and policy direction.

The response treats that entire body of material as a single undifferentiated class and withholds it in full. No distinction is drawn between different types of document, different levels of sensitivity, or different time periods. There is no explanation of why material several years old should be treated as equally sensitive as current material, nor any indication that disclosure of older material was considered separately. There is no indication that redaction of names, locations or identifying details was considered, or that partial disclosure, extraction of reports, or staged disclosure on a chronological basis was explored. Instead, the Annex advances broad assertions concerning harm, harassment, "safe space" and chilling effects, and applies them across the entirety of the material.

That approach does not demonstrate that withholding all of the information is justified. Even if the Welsh Government considered that some elements of the material required protection, that would not in itself explain the refusal to consider more limited and proportionate forms of disclosure.

The response does not provide a sufficiently clear account of the basis on which section 36 has been applied, either for the purposes of internal review or for any subsequent scrutiny. It states that the Counsel General, as qualified person, has formed the opinion that the exemption is engaged, but does not explain what material or classes of material were put before the qualified person, whether the material was considered as a whole or in categories, or how the conclusion was reached that the exemption applies across the entirety of a multi-year body of correspondence and attachments. A statement that the qualified person has formed the relevant opinion is not, by itself, an explanation of how the material was characterised, what level of granularity was used, or why the exemption was treated as applying across the entirety of the corpus. In light of the statement that the material informs policy direction, it is also unclear whether section 35 was considered prior to reliance on section 36.

Taken together, the response leaves three central points unresolved. It does not explain how the "not held" conclusion in respect of the testimonial-related correspondence has been reached in the face of a targeted, sentence-specific search request. It does not demonstrate why section 36 justifies withholding an entire corpus of material without distinction, segmentation or consideration of partial

disclosure. And it does not provide a sufficiently clear account of the decision-making process by which those conclusions were reached.

In light of this, I ask that the Welsh Government reconsider its response and, in doing so:

explains in detail the searches undertaken in relation to part 1, including which mailboxes, shared drives, Teams channels or equivalent systems were searched, which officials were consulted, whether communications with Cardiff University relating to SC33 were searched, and what searches were undertaken for the exact sentence quoted in the request;

- revisits the “not held” conclusion in relation to part 1 in light of those searches and discloses the information if held;*
- reconsiders part 2 on a segmented basis, rather than treating all correspondence and attachments from 1 October 2021 onwards as a single undifferentiated class;*
- states expressly whether it considered redaction, extraction of particular categories of document, staged chronological disclosure, or separate treatment of older material, and if not, why not;*
- explains what material or classes of material were put before the qualified person for the purposes of section 36, whether they were considered in categories or as a whole, and how the conclusion was reached that the exemption applied across the entirety of the material;*
- confirms whether section 35 was considered, given the statement in Annex 1 that the reports inform “policy direction”, and if so, what conclusion was reached.*

If the Welsh Government maintains any part of its position, I ask that the review addresses each of the points above expressly and explains those conclusions by reference to the actual searches undertaken and the actual classes of material considered, rather than in general terms.

Yours sincerely,