

8 June 2026

Dear

**ATISN 26948**

Thank you for your request which I received on 1 May. I have provided my response to the questions you submitted at Annex 1.

**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

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 1

This request concerns Welsh Government FOI response ATISN 24357, published in April 2025, and the associated requests referred to in that response, including ATISN 24369 and ATISN 24389.

Please provide the following recorded information:

1. The name supplied by the requester in relation to ATISN 24357.

**I can confirm that Welsh Government holds the information requested but have concluded it is exempt from disclosure under Section 40(2) of the Freedom of Information Act (2000). My reasons for not disclosing are set out at Annex 2.**

2. The name or names supplied by the requester or requesters in relation to ATISN 24369 and ATISN 24389.

**As question 1 response.**

3. Whether the same individual, email address, organisation, campaign identity, political office, staff member, contractor, or representative entity submitted ATISN 24357, ATISN 24369, ATISN 24389, and the wider group of 47 requests referred to in the ATISN 24357 response.

**I can confirm the same name and email address was used for all requests.**

4. Any organisational affiliation, job title, campaign name, representative capacity, party-political role, public-office role, staff role, contractor status, or other non-private capacity supplied by the requester or requesters when submitting those requests.

**No information held – no such information was contained in any of the FOI requests.**

5. Any recorded information held by Welsh Government indicating whether the requester or requesters were acting:
  - as a private individual;
  - on behalf of a campaign group;
  - on behalf of a political party;
  - on behalf of an elected representative;
  - as a member of staff for an elected representative;
  - as a contractor, consultant, volunteer, or adviser connected to a political party or elected representative;
  - as a journalist or media operator;
  - or in any other representative or organisational capacity.

**As question 4 response.**

6. Any recorded information explaining why the requester's name was omitted from the published version of the ATISN 24357 response.

**No information held. Please note, Welsh Government removes all personal data of requesters (and any 3<sup>rd</sup> parties where an exemption has been applied) when publishing FOI requests on our disclosure log.**

7. Any recorded information held by Welsh Government that links, associates, or cross-references the requester or requesters for ATISN 24357, ATISN 24369, ATISN 24389, or the wider group of 47 requests with the social media account known as "Doge Wales" or "Senedd Waste."

**Please see accompanying documents. Please note, the personal data of the requester and Welsh Government staff has been withheld under Section 40(2) and information relating to organisational names has been withheld under Section 38(1)(a) as set out at Annex 2.**

8. If Welsh Government holds the requester's identity but considers that the name itself is exempt from disclosure, please provide all reasonably segregable non-personal information about the requester's stated capacity, affiliation, role, or representative status.

**Please see previous responses.**

## **Annex 2**

### *Engagement of section 38 (Health and Safety) of the Freedom of Information Act*

This exemption states:

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to —*
- (a) endanger the physical or mental health of any individual, or*
  - (b) endanger the safety of any individual.*

The Commissioner's Guidance on s38 states (inter alia):

Section 38 provides an exemption from disclosing information if it would endanger any individual (including the applicant, the supplier of the information or anyone else). The exemption does not necessarily deal with what are usually thought of as health and safety matters, such as establishing the cause of an accident.

The Welsh Government believes that the names of the organisations should be exempt from disclosure. This is because of the targeting and direct abuse of certain organisations linked to the public funding of Diversity, Equality, and Inclusion programmes and schemes.

Officials have received evidence detailing how involvement with supporting refugees and asylum seekers in Wales has led to online misinformation, targeting and abuse. This clearly evidences the harms that releasing this information may have on individuals. Third sector organisations have been targeted for abuse, both online and via threats, and the disclosure of this information is likely to escalate issues, resulting in the endangerment of both the physical/mental health of funded organisation staff, as well as endangering their safety.

#### **Public Interest Test**

In order to satisfy the public interest test in relation to the exemption, it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to outweigh the public interest arguments in favour of release.

#### **Public interest arguments in favour of disclosure**

The Welsh Government acknowledges the general public interest in openness and transparency that release of this information would engender. Further, we recognise there is a public interest in supporting the public to better understand the use of public funds for Diversity, Equality and Inclusion schemes.

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

The Welsh Government recognises the public interest in avoiding prejudice and harm to individuals, which could arise if this information was released. There is a public interest to protect third sector and Welsh Government staff involved in diversity, equality and inclusion policies. Withholding the information would avoid potential escalation of such risks.

#### **Balance of public interest test**

The Welsh Government can see no public interest in allowing prejudice to occur and putting people at risk and so believes the public interest favours withholding under the above stated exemption.

*Engagement of section 40(2) (personal data) of the Freedom of Information Act*

Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 2018 ('the DPA 2018') and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

I have concluded that this relates to the names (and other associated personal information) of the requester who submitted the Freedom of Information requests referred to in Annex 1 as well as the those exchanging correspondence set out in the accompanying document.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

*“processed lawfully, fairly and in a transparent manner in relation to the data subject”*

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

*“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.*

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. The Balancing test: Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

## **1. Legitimate Interest Test**

The Welsh Government recognises there is a legitimate interest in being able to identify individuals involved in any discussions (to help understand the reason for their involvement).

We do not believe, however, there is any legitimate reason why the personal data would need to be released in order to follow and understand those discussions.

The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

## **2. Is disclosure necessary?**

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request. The substance of the information requested, and our response to those requests, can be fully understood without identifying the individuals concerned.

## **3. The Balancing Test**

As it has been concluded it is not necessary to disclose the personal information caught by the request, there is no requirement to balance the rights and interests of those individuals against the rights, under FOIA, of the requester.

To conclude, as release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.