

11 August 2026

Dear

ATISN 27191: Increasing Immigration Legal Advice Provision in Wales Scheme (2026–2029)

Information requested

Thank you for your request which I received on 8 July 2026. You asked for copies of documents relating to the Welsh Government's Increasing Immigration Legal Advice Provision in Wales scheme for the period 1 April 2026 to 31 March 2029, including:

1. Copies of the business case, options appraisal, ministerial submissions and decision papers relating to the establishment or continuation of the scheme.
2. Copies of any value-for-money assessments, cost-benefit analyses or economic appraisals prepared in relation to the scheme.
3. Copies of any Equality Impact Assessment, Welsh Language Impact Assessment or other impact assessments undertaken.
4. A list of all organisations that have applied to the scheme, indicating:
 - whether their application was successful;
 - the amount awarded (where applicable); and
 - the purpose of the funding.
5. Copies of the assessment criteria, scoring matrix and guidance used to evaluate applications.
6. Copies of the grant agreements or standard funding conditions issued to successful applicants.
7. Details of the monitoring and evaluation arrangements for the scheme, including any key performance indicators, reporting requirements or outcome measures.
8. Copies of any evaluation reports, progress reports or internal reviews produced to date.
9. Copies of correspondence between Welsh Government ministers, special advisers and officials relating to the creation, approval or continuation of the scheme.
10. Copies of any legal advice or internal guidance held regarding the Welsh Government's powers or competence to fund immigration legal advice services.

Our response

Due to the shortage of immigration legal advisors and legal aid providers in Wales, the Welsh Government has provided funding to develop and improve the resilience of the legal sector in Wales.

The [Increasing immigration legal advice provision in Wales scheme \[HTML\] | GOV.WALES](#) is a Welsh Government subsidy scheme, set up by the 2021-2026 Welsh Government administration. The scheme supports the allocation of funds once they have been approved. Welsh Government guidance on subsidy control can be found here: [Subsidy control | GOV.WALES](#)

While the scheme runs from 2026-2029, funding of £170,000 has been committed for this financial year, by the previous administration. Funding for future years is subject to ministerial agreement and will form part of the wider Welsh Government budget process.

In relation to the elements contained within your request, a copy of the information I have decided to release is enclosed.

1: Please refer to Annex 2.

2 and 3: Please refer to Annex 3 – relevant sections of the Integrated Impact Assessment.

Please note a correction on page 1 of Annex 3: the Director title should read Director of Communities and Social Justice.

4: Please see the table below:

Name of organisation	Whether their application was successful	Amount awarded (£)	Purpose of the funding
REDACTED – s.38 exemption	Successful	155,415.68	Award of Funding in relation to caseworker salary and supervision for 2026-28
REDACTED – s.38 exemption	Successful	52,500	Award of Funding in relation to the provision of legal advice and representation to members of migrant communities
Newfields Law	Successful	33,100	Award of Funding in relation to Newfields immigration law academy

5: Please refer to Annex 4 – Appraisal template.

6: Please refer to Annex 5 – Grants standard terms & conditions.

7: Beneficiaries are required to submit a monitoring report and attend a monitoring meeting with a Welsh Government official on a quarterly basis. Via this process, organisations provide evidence that their Key Performance Indicators are being met, and the Welsh Government verifies this before releasing payments. Once the project has concluded, any grant-funded body is required to submit a formal evaluation. This is used to assess whether the intended outcomes have been achieved and will inform any necessary future adjustments to the scheme.

8: Please see Annex 6 – Monitoring report. This is in relation to one of the projects listed in the table above, and is the only information held in relation to this point.

9: Please refer to point 1 above.

10: The legal advice in relation to this point, contained within Annex 2, is withheld. Please refer to Annex 1 – Application of exemptions.

I have decided that some of the information is exempt from disclosure under sections 38, 40(2) and 42 of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex 1 to this letter.

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

Annex 1

Application of exemptions

The Freedom of information Act provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information under section 38 of the Freedom of Information Act:

- The names of third sector organisations awarded funding under this scheme, together with any funding details or associated information that could indirectly identify those organisations.

In addition, I have decided to withhold the following information under section 40(2) of the Freedom of Information Act:

- Identifiable information in relation to individuals.
- The names of Welsh Government officials who administer the funding.

In addition, I have decided to withhold the following information under section 42 of the Freedom of Information Act:

- Legal advice in relation to the Welsh Government's Increasing Immigration Legal Advice Provision in Wales scheme.

This Annex sets out the reasons for the engagement of sections 38, 40(2) and 42 of the **Freedom of Information Act**.

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 third sector organisations should be exempt from disclosure. This is because of the targeting and direct abuse of certain organisations linked to the Welsh Government's Nation of Sanctuary approach.

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 Nation of Sanctuary approach.

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 organisations and Welsh Government staff involved in this area of policy. 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 1998 ('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, in this instance, the information requested contains third party personal data.

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 understanding how grant funding is administered and in being able to identify the roles of officials involved in the assessment, award and monitoring of grants. We do not believe, however, there is any legitimate reason why the personal data of individual officials would need to be released in order to understand the grant decision-making process, the governance arrangements for the scheme, or the basis on which funding has been awarded and monitored. 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 – we do not believe it is necessary to disclose the personal data to understand the information. Disclosure of the full personal data of the Welsh Government official is unlikely to be of interest to the wider public.

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 the Freedom of Information Act, 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.

Engagement of section 42 (Legal Professional Privilege) of the Freedom of Information Act

This exemption states (inter alia):

(1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

Legal professional privilege (LPP) covers communications between lawyers and their clients for the purpose of obtaining legal advice, or documents created by or for lawyers for the “dominant” (main) purpose of litigation. The information in question concerns confidential communications made for the purpose of providing or obtaining legal advice.

The section 42 exemption is qualified, which means that it is subject to a public interest test. That there is a public interest served in public authorities being able to access advice which benefited from professional legal privilege was noted in *Bellamy v the Information Commission and DTI* [EA/2005/0023] in which the tribunal, on the subject of LPP said:

"there is a strong element of public interest inbuilt into the privilege itself. At least equally strong countervailing considerations would need to be adduced to override that inbuilt interest....it is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion, save in the most clear case...".

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 disclosure of this information could engender. Release of the information could assist public understanding of the development and operation of the scheme and the factors that informed its design and implementation.

Public interest arguments in favour of withholding

The Welsh Government is of the firm view that it is highly important to maintain legal professional privilege and that, in the absence of at least equally strong countervailing considerations, any attempt to undermine the principle of legal professional privilege would result in substantial harm.

Legal advisers need to be able to present the full picture to their clients, which includes arguments in support of final conclusions and any relevant counter-arguments. This is the purpose behind the long-established principle of legal professional privilege.

It is in the nature of legal advice that it often sets out the possible arguments both for and against a particular view. If recipients or providers of legal advice believe that it is likely that the legal advice would be published, especially so soon after being sought and in a complex political environment, then it is unlikely that comprehensive advice would be commissioned or provided. This would be likely to result in substantial harm to the quality of decision-making since it would not be fully informed. It would also undermine the ability of legal advisers and their clients to rely confidently on the protection afforded by the principle of legal professional privilege.

Moreover, disclosure of legal advice has a significant potential to prejudice the governments' ability to defend its legal interests – both directly by unfairly exposing its legal position to challenge, and indirectly by diminishing the reliance it can place on the advice having been fully considered and presented without fear or favour.

Balance of public interest test

Whilst disclosure would provide some additional insight into the considerations that informed the scheme, the Welsh Government does not consider that this is sufficient to outweigh the substantial public interest in maintaining legal professional privilege. On balance, the public interest favours withholding the information.