

11 September 2026

Dear

Re: ATISN 27276 – Letters of Comfort, Migration and Nation of Sanctuary

I emailed you on 18 August 2026 to acknowledge your request for an internal review of Welsh Government's response to your Freedom of Information Act (FOI Act) request ATISN 27276. I have now undertaken the review and have set out my findings below.

In your original request dated August 2026 you asked for the following information:

Decision Reports: 2026 (Available at: <https://www.gov.wales/decision-reports-2026>), has a subsection titled "Letters of Comfort – Migration and Nation of Sanctuary"

Regarding these Letters of Comfort:

- 1. What advice did the relevant Minister(s) receive on issuing these letters?*
- 2. What organisations have received these letters?*
- 3. For what specific purposes or functions were these letters issued to each of these organisations?*
- 4. What is the funding each of these organisations received from the Welsh Government?*
- 5. Is the current Welsh Government committed to respecting and upholding these letters of comfort issued by the previous Welsh Government?*

In the Welsh Government response, whilst the information in relation to 1, 3, 4 and 5 was provided, the names of the organisations who received the letters of comfort were withheld. The response you received is set out below:

A copy of the information I have decided to release is enclosed. Each point is related to the corresponding point above:

1. Details of the advice received by the relevant Minister(s) regarding the issuing of the letters of comfort:

The relevant Minister of the 2021-2026 Welsh Government administration received advice on 15 December 2025, relating to the issuing of letters of comfort for the 2026-2027 financial year, to third sector organisations. The decision report was published on 7 January 2026.

2. Organisations which received the letters of comfort:

Organisation

Funding amount

REDACTED – s.38 exemption	£142,800
REDACTED – s.38 exemption	£83,700
REDACTED – s.38 exemption	£307,500
REDACTED – s.38 exemption	£215,750

3. Details regarding the specific purposes or functions for issuing the letter of comfort to each of these organisations:

The Third Sector Scheme: code of practice for funding the third sector, requires the Welsh Government to provide third sector organisations at least 3 months' notice of our decision to either award or withdraw funding for the following financial year. In relation to the letters of comfort captured by your request, these were issued before the 31 December 2025 to notify third sector partners of their funding for the 2026-2027 financial year.

4. Details regarding the Welsh Government funding received by each of these organisations, in relation to the letters of comfort:
Please see **Point 2** above.

5. Whether the current Welsh Government is committed to respecting and upholding these letters of comfort, issued by the previous Welsh Government:
Letters of Comfort were issued by 31st December 2025 and corresponding Grant Award Letters issued ahead of the 2026-2027 financial year commencing. This funding is legally committed via a Grant Award Letter. This funding was committed by the previous Welsh Government administration.

I have decided that some of the information is exempt from disclosure under section 38 of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption are set out in full at Annex 1 to this letter.

Annex 1

Application of exemptions/exceptions

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 in relation to the Letters of Comfort 2026-2027.*

This Annex sets out the reasons for the engagement of section 38 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

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 section 38 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.

In your complaint and request for an internal review you stated:

I would like to request an internal review for ATISN 27276 – Letters of Comfort – Migration & Nation of Sanctuary. While I sympathise with the rationale used to apply

Section 38 to exempt and redact the names of organisations receiving letters of comfort, I feel the public interest test was not properly interpreted.

1. Section 38 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.

Section 38 implies a causal link between disclosure and endangerment of physical/mental health or safety. The claims made that “This clearly evidences the harms that releasing this information **may** have on individuals.” And “The Welsh Government recognises the public interest in avoiding prejudice and harm to individuals, **which could arise** if this information was released.” Fails to establish an adequate causal relationship between disclosure and the risk of harm. **This freedom of information request has been made on behalf of the Official Opposition in Wales**, we have no desire to endanger or target any individuals or organisations, we simply want greater detail of how these letters of comfort work, and for what purposes they are issued.

2. “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.” This analysis of the public interest argument in favour of disclosure is incomplete.

- There is a clear public interest in transparency and accountability for the use of public money
 - The letters of comfort commit a total of £831,350 of Welsh Government funding for 2026–27. The public has a clear interest in knowing exactly which third-sector organisations are receiving these sums so that value for money, delivery of outcomes, potential conflicts of interest, and overall effectiveness of the Nation of Sanctuary policy can be scrutinised.
 - Releasing only the funding amounts (as done in the response) allows limited oversight. Naming the recipients enables proper democratic accountability, and informed public debate; especially for a contested policy area involving significant public expenditure.
- There is also a public interest in understanding the Nation of Sanctuary policy
 - Annex 1 explicitly acknowledges “a public interest in supporting the public to better understand the Nation of Sanctuary approach.” Disclosing the specific organisations that received the letters of comfort directly advances that interest by showing which partners the previous government chose to support and for what practical purposes.
 - The decision report itself was published on 7 January 2026. Withholding the operational detail of who benefits undermines the transparency the report was intended to provide.
 - Disclosing the letters of comfort issued by the Welsh Government could help to combat misinformation.
 - The letters were issued by the previous Welsh Government. Point 5 of the request specifically asked whether the current government is committed to

upholding them. Naming the organisations allows the public and Senedd to assess continuity, any policy shifts, and whether legally committed funding is being delivered as intended.

For the reasons listed above, I would request that you review and reconsider the FOI response provided.

Application of exemption

As you are aware, the Freedom of Information Act (FOI 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 particular interest the requester has for accessing the information cannot override those wider considerations.

I have now fully considered your complaint and request for internal review. I have decided that the information you requested is exempt from disclosure under s.38(1) of the FOI Act. The information below sets out the reasons for engagement of s.38(1) and Welsh Government's subsequent consideration of the Public Interest Test

I consider that the s.38(1) exemption is engaged on the basis that disclosure *would be likely to—*

- (a) endanger the physical or mental health of any individual, or*
- (b) endanger the safety of any individual.*

I have, nevertheless, found that the wording in the response to your original request was not as clear as it should have been. As you point out, the response refers to the '*harms that releasing the information may have on individuals*' and '*harm which could arise*'. S.38 can only be engaged if the disclosure would or would be likely to endanger physical or mental health or the safety of any individual. I have decided this threshold is met in this case.

In my consideration of this matter, I have taken into account both the FOI Act itself and the guidance from the Information Commissioner's Office. Important in my consideration has been the fact that the release of requested information under the FOI Act is to the world and not just the requester and thus would be freely available to everybody. Welsh Government is aware of the online abuse and threats being received by organisations supporting refugees and asylum seekers. I have also taken into account the ICO guidance that some individuals or groups are particularly vulnerable and their safety may be more easily endangered than that of others. Given the level of online hate and harassment currently being experienced by organisations whose work includes support for refugees and asylum seekers, I also consider that the individuals involved in those organisations are more vulnerable and their safety may more easily be endangered than that of others.

Therefore, in accordance with s.38(1) of the FOI Act, I have found that disclosure would be likely to endanger the physical or mental health of individuals working with the organisations.

Balance of public interest test

In carrying out my internal review, I have decided, on balance, that the public interest in withholding the information outweighs the public interest in disclosing it.

I have carefully considered the public interest test. Disclosing information in relation to Welsh Government's funding decisions promotes accountability and transparency. Disclosure would also further the understanding and participation in current issues of public debate. As a matter of course, wherever possible, Welsh Government provides details of the names of the organisations it funds.

Welsh Government spending decisions are subject to extensive and well-established transparency, governance and scrutiny arrangements. Budget allocations are published through the Welsh Government's Budget and Supplementary Budget processes and are subject to detailed scrutiny by the Senedd and its Committees. In addition, further oversight is provided through accounting officer responsibilities, published accounts, audit by Audit Wales and scrutiny by the Public Accounts and Public Administration Committee. Collectively, these arrangements provide robust and proportionate oversight of the allocation and use of public funds. Further information can be found on <https://www.gov.wales/government-finance>.

Nevertheless, I consider that maintaining the exemption under s.38(1) outweighs the public interest in its disclosure. In making this decision, I am mindful of British Union for the Abolition of Vivisection vs Information Commissioner and Newcastle University (EA/2010/0064, (10 November 2010) where the tribunal stated: *"the public interest in maintaining the s.38(1) exemption, where it is engaged, is also strong. Self-evidently, there would need to be very weighty countervailing considerations to outweigh the risk to health and safety which was of sufficient severity to engage s.38(1)."*

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 at:

<https://www.gov.wales/requesting-information-welsh-government-html>

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

A J John

Director, Communities and Social Justice