

06 October 2026

Dear

ATISN 27473 Waking Watches

Information requested

Thank you for your request which I received on 8 September 2026. My understanding of the information you have asked is as follows:

Copies of ministerial submissions, briefing papers, advice notes, decision records, policy papers and assessments produced from 1 January 2024 onwards in respect of:

1. (Financial) liability for interim fire safety measures (including waking watch arrangements)
2. Whether leaseholders are liable for such costs
3. The financial impact of interim fire safety measures on leaseholders
4. Options for reducing or removing these liabilities for leaseholders

You do not require emails or draft documents.

Our response

- Following a search of our paper and electronic records, I have established that some of the information you require is not held by the Welsh Government, namely:

Copies of ministerial submissions, briefing papers, advice notes, decision records, policy papers and assessments since 1 January 2024 of the financial impact of interim fire safety measures on leaseholders (point 3 above).

Some of the information you have requested is publicly available, namely:

Financial liability for interim alarms.

This information can be found here: [Wales Interim Measures Alarm Grant \(WIMAG\): guidance | GOV.WALES](#)

I have also decided that some of the information is exempt from disclosure under section(s) **12(4)(d) and 12(5)(b)** of the Environmental Information Regulations and is therefore withheld, namely:

Copies of ministerial submissions, briefing papers, advice notes, decision records, policy papers and assessments produced from 1 January 2024 onwards in respect of financial liability for waking watch arrangements, whether leaseholder are liable for such costs and options for reducing or removing these liabilities.

The reasons for applying these **exceptions** 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/exceptions

The Freedom of information Act/Environmental Information Regulations provide 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:

Copies of ministerial submissions, briefing papers, advice notes, decision records, policy papers and assessments produced from 1 January 2024 onwards in respect of financial liability for waking watch arrangements, whether leaseholder are liable for such costs and options for reducing or removing these liabilities.

This Annex sets out the reasons for the engagement of section(s) **12(4)(d) and 12(5)(b)** of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

Engagement of section 12(4)(d) of the Environmental Information Regulations

A public authority may rely on **Regulation 12(4)(d) of the Environmental Information Regulations 2004** where the requested information relates to **material that is still in the course of completion, unfinished documents, or incomplete data**. The purpose of the exception is to protect the integrity of ongoing work and ensure that environmental information is not disclosed prematurely before it has been finalised, quality assured, or considered within the wider decision-making process.

Disclosure would undermine the effective development of the policy by exposing information that is subject to revision and does not yet represent the Welsh Government's settled position.

The release of incomplete or draft material will create a misleading impression, and lead to inaccurate public understanding.

Engagement of section 12(5)(b) of the Environmental Information Regulations

The relevant exception for legal professional privilege (LPP) is Regulation 12(5)(b).

The Information Commissioner's Office recognises that confidential communications between a public authority and its legal advisers will often engage Regulation 12(5)(b), because disclosure could adversely affect the course of justice by undermining the principle of legal professional privilege.

Public Interest Test

Public interest arguments in favour of disclosure

There will be a strong interest in a distinct subset of leaseholders and residents in understanding how government has interpreted and applied liability for waking watch measures, particularly for those who have been, or being, directly impacted.

Public interest arguments in favour of withholding

The public interest in this information is limited in that only leaseholders and residents of buildings where a waking watch has either been in place or is currently in place. There is no public interest beyond this. Should the information be disclosed, it is unlikely that the clarity required would be provided as the final policy position on this is not yet settled, in fact it may create more confusion.

The Information Commissioner's Office recognises that authorities can require a "safe space" in which officials can develop proposals, consider evidence and available options before reaching final conclusions. Premature disclosure of information on such a contentious issue such as liability for waking watch costs could inhibit the free and frank exchange of views necessary for robust policy development, particularly where options are still being evaluated.

Liability for waking watch costs involves complex legal, financial and policy considerations. Releasing information before analysis and advice have been finalised may undermine the quality of decision-making by exposing developing positions that have not been fully tested or refined.

Where legal advice is involved, there is a strong public interest in preserving the confidentiality of communications between lawyers and government officials. Officials must be able to seek and receive candid legal advice on liability issues without concern that such advice will routinely enter the public domain. This supports the proper administration of justice and effective governance.

Balance of public interest test

On balance of where the public interest lies, while there is public interest in transparency regarding the Government's approach to liability for waking watch costs, there is also a strong public interest in protecting the integrity of the policy-making process. The information comprises developing discussions and/or legal advice relating to complex questions of financial and legal responsibility. Disclosure at this stage would be likely to inhibit the frank exchange of views, undermine the Government's ability to obtain confidential legal advice, and risk public misunderstanding through the release of incomplete material.

On balance, these factors weigh more heavily in favour of maintaining the exception until the relevant work has concluded and a settled position has been reached.