

Annex A - Public Interest Test

Exemptions in full	
<p>Section 35 (i) (a) Formulation of government policy, etc.</p> <p>Information held by a government department or by the National Assembly for Wales is exempt information if it relates to the formulation or development of government policy.</p> <p>In considering the public interest test in connection with the formulation or development of government policy, section 35 provides that regard must be had to the particular public interest in the disclosure of factual information that has been used, or is intended to be used, to provide an informed background to the decision-taking.</p>	
Factors for disclosure	Factors for withholding
<p>The right of the public to have access to information.</p> <p>Disclosure will reveal reasons for decisions.</p> <p>The accountability of administrators and scrutiny of decision-making processes.</p> <p>There is a presumption of a general public interest in disclosure.</p> <p>It would promote transparency and accountability of public authorities, greater public awareness and confidence in the Government's policy and decision-making processes.</p>	<p>Where release of the records could impair the integrity and viability of the decision-making process to a significant or substantial degree without a compensating benefit to the public. When broader community interests must be considered, as distinct from those of the applicant and the subject of the information.</p> <p>While frank and open debate is a key component of high-quality policy formulation, there is a public interest, in appropriate situations, in maintaining a private space for discussion away from public scrutiny to effectively formulate and develop policy.</p> <p>The Department needs to be able to discuss and evaluate various policy options with candour and the release of material outlining the discussions between colleagues may inhibit that. The disclosure of such information would diminish the quality of the decision-making process, resulting in weaker policy formulation.</p>

Reasons why public interest favours withholding information:

The language reports submitted by CCEA are being reviewed to inform policy development. While disclosure of information may better inform the public about ongoing policy developments and discussions taking place, there is a significant risk that the release of certain information could impact on future relations with the school practitioners. The Department, in conjunction with other stakeholders, needs a safe space within which to debate live policy issues freely and frankly and the release of information could prevent views and opinions being expressed which would prejudice policy development and its subsequent implementation. The current policy formulation work being undertaken in respect of languages is guided as being in the best interests of all our children and young people, and as such is supportive of Article 29 rather than contradictory. It is, therefore, the Department's view that under Section 35 (1) (a) the arguments in favour of non-disclosure of a part of the information outweigh those in favour of disclosure.

Type of Document	Applicable Exemption
Reports	Section 35 – formulation of government policy