



Ein cyf/Our ref ATISN 16253

Peter Hall
request-854805-6dbdbf4e@whatdotheyknow.com

17 May 2022

Dear Peter Hall

Request for Information – ATISN 16253

Thank you for your request for information dated 13 April.

Information requested

What incentives did Cardiff Airport give to Wizz Air in a bid to entice it to operate out of the airport?

Our response

The Welsh Government does hold some information relating to your request which includes documents and emails relating to the discussion between both parties prior to their agreement to operate out of Cardiff Airport. I have concluded that the information captured by the request is exempt from disclosure under Section 43 (commercial interests) of the Freedom of Information Act 2000. Full reasoning for applying this exemption is given at Annex A 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

Jonathan Moody
Head of Aviation, Ports and Logistics

ANNEX A

Section 43(2) – commercial interests

Decisions relating to non-disclosure have been taken with due consideration of the exemption identified under Section 43(2), commercial interests, of the Freedom of Information Act 2000 (FOIA).

Section 43 is a qualified (public interest tested) exemption and in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it. I have therefore given consideration to the effects of disclosure of the information to the world at large, as the information is made available to anybody and everybody, not just the requestor. As such, when considering your request I have considered the wider effects of disclosure rather than any personal interest you may have in being provided with the information.

Section 43(2) – commercial interests

The exemption states:

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

The Welsh Government is of the view that revealing the information would be likely to prejudice the Airport should it be disclosed at this point in time. To reveal the information would be likely to prejudice their commercial interests should the information associated with this matter be disclosed. The information would reveal commercially sensitive information not otherwise publically available and which, if disclosed would be likely to prejudice the company's service offering and future strategy.

Disclosing the information would give any competitors a distinct commercial advantage which would be likely to put the company's own business at risk and therefore prejudice its ability to engage in future commercial activities. It is a matter that will damage the relationship between the airport and airline if made public and will also put the airport at a commercial disadvantage with regards to attracting and negotiating with other customers and competitors. We do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

Public Interest Test For Disclosure

The Welsh Government recognises the public interest in openness and transparency within government, particularly in terms of ensuring an accountable government by disclosing how the Welsh Government spends public money and that the money is invested wisely.

Public Interest Against Disclosure

Disclosure of this information would provide competitors with access to a level of information not otherwise available to them. This would be likely to enable competitors to obtain an advantage. We do not believe facilitating this type of unfair competitive advantage would be in the wider public interest.

For example, disclosure of information would allow competitors to understand and potentially copy its activities and service offering. To freely disclose the information would give any competitors a distinct commercial advantage and stepping stone which would be likely to put their business at risk and therefore prejudice the company's ability to engage in future commercial activities. Cardiff Airport does not have access to similar information on its competitors as they do not publish it, so would be at a significant disadvantage. We believe the resultant harm should this information be released, would be substantial.

The information contains financial workings and supporting analysis that would constitute trade secrets, the disclosure of which would prejudice the firm's commercial or legitimate economic interests. It also disclosed details of the arrangements and the expected direct financial benefits to the business from this agreement.

I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. I further do not believe there is a public interest in prejudicing the commercial interests of the company by the release of this information.

I am aware that, as a general rule, the sensitivity of information is likely to reduce over time; therefore the age of the information, or timing of the request, may be relevant in determining whether to apply an exemption, or where the public interest may lie. In this case, however, the information captured is very much current information. I believe therefore that the balance of the public interest falls in favour of withholding the information.