



Eich cyf/Your ref
Ein cyf/Our ref ATISN 10230

Thomas Gallard
[request-318128-98f74749@whatdotheyknow.com](#)

23 March, 2016

Dear Mr Gallard

Request for Information – ATISN 10230

I wrote to you on 25 February regarding your request for information. You asked for details of the financial support agreed with Aston Martin to create 750 jobs at St Athan.

I can confirm that we hold information relating to your request. However, I have concluded that the information requested relating to details of funding 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.

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
FreedomOfInformationOfficer@wales.gsi.gov.uk.

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



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MEWN POBL | **IN PEOPLE**

EST FOI Team
Welsh Government
Treforest - QED Centre
Main Avenue
Treforest Industrial Estate
Pontypridd
CF37 5YR

ES&T-FOI@wales.gsi.gov.uk
www.gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Chris Munday
Deputy Director, Business Solutions

ANNEX A

ATISN 10222 - Consideration For and Against Disclosure of Information

Decisions relating to non-disclosure have been taken with due consideration of the exemptions identified under Section 43(2) of the Freedom of Information Act 2000 (FOIA). This states that 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).

Section 43 is a qualified (public interest tested) exemption. This means that 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.

Public Interest Test

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

However, information about funding details is commercially sensitive to the company. It reveals historic commercial information, proposed activities and business development proposals that would be likely to prejudice Aston Martin's service offering. We believe that to place this information into the public domain would be likely to put this company at a commercial disadvantage in what we recognise is a very competitive market. It would also be likely to allow a commercial advantage to potential competitors were it to be disclosed as it would undermine the competitiveness of their products and adversely affect the way they manage product investment. Whilst this information would be of interest to the company's competitors, I do not believe that it would be of interest to the wider public and would be likely to prejudice the commercial interests of the business. I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

Whilst I accept that, as a public body, the public will always have an interest in the work of the Welsh Government and that release of this information would engender our willingness to be open and transparent in the way that we work, I do not believe there is any pressing public interest in the release of the funding details.

I believe that the balance of the public interest therefore falls in favour of withholding the information relating to funding details.