



Ein cyf/Our ref ATISN 10191

22 March 2016

Dear ,

### Request for Information – ATISN 10191

I wrote to you on 16 February regarding your request for information. I am sorry for the delay in providing you with this response. You asked for information regarding the sale of the mining depot at Blackbridge, Waterston and neighbouring adjacent land in 2015.

Specifically, you requested details and a plan/map showing the land we sold to Egnedol Ltd and also our internal reports into Egnedol Ltd.'s proposed business plan, together with evidence and documentation demonstrating appropriate due diligence into the company.

I confirm that we hold information relating to your request. A plan/map showing details of the land sold by Welsh Government to Egnedol Ltd. has been enclosed. I have concluded, however, that our internal reports into Egnedol Ltd.'s proposed business plan, together with evidence and documentation demonstrating the due diligence that we have undertaken, 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](mailto: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,

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

[ES&T-FOI@wales.gsi.gov.uk](mailto:ES&T-FOI@wales.gsi.gov.uk)



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.

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 A**

### **ATISN 10119 - 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 withhold information under 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**

The Welsh Government acknowledges the general public interest in openness and transparency that release of the information would engender, particularly in terms of ensuring transparent and accountable government by disclosing how the Welsh Government considers providing support to businesses.

The withheld information comprises of Egnedol Ltd.'s financial information, its proposed future activities and business development proposals, as well as the skills, approach and processes in place by the company. It is necessary for a company to provide us with this level of commercially sensitive information in order for us to undertake appropriate due diligence. Whilst this information would be of interest to Egnedol Ltd.'s competitors, I do not believe that it would be of interest to the wider public and its release would therefore be likely to prejudice the commercial interests of Egnedol Ltd. It would also be likely to prejudice Egnedol Ltd. in its efforts to secure future potential contracts because the commercial terms of hosting agreements and real estate offerings are complex and highly negotiated. Releasing details of these proposals into the public domain would allow a commercial advantage to potential competitors as they would have access to a level of detail that they otherwise wouldn't have. I do not believe that facilitating this type of unfair competitive advantage would be in the public interest.

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

In conclusion, I believe that the balance of the public interest therefore falls in favour of withholding the information.