



Eich cyf/Your ref  
Ein cyf/Our ref ATISN 10397

Llywodraeth Cymru  
Welsh Government

19 May, 2016

Dear ,

**Request for Information – ATISN 10397**

I wrote to you on 22 April regarding your request for information. You asked for copies of the following reports:

An independent “value for money” review of the Alacrity Foundation (conducted by Professor Max Munday and Robert Huggins, of Cardiff University) and the independent review into Welsh ICE (the innovation centre for start-up businesses, in Caerphilly).

I can confirm we hold information relating to your request, however, I have concluded that reports are exempt from disclosure under section 43(2) – Information prejudicial to commercial interests of the Freedom of Information Act 2000. Full reasoning for applying these exemptions are detailed at Annex A.

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 Est  
Pontypridd  
CF37 5YR

ES&T-FOI@wales.gsi.gov.uk  
[www.gov.wales](http://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.

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

## ATISN 10397 – Application for Exemption

Decisions relating to non-disclosure have been taken with due consideration of the exemption identified under section 43(2) of the Freedom of Information Act 2000 (FOIA). In considering whether to release or withhold the requested information I have to consider the effects of disclosure of the information to the world at large, rather than disclosure just to the requestor who may, or may not, have a particular interest in accessing the information.

### Section 43(2) – Commercial Interests

Section 43(2) states that “Information is exempt 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)”.

This exemption is a qualified exemption. I must therefore demonstrate that the public interest in withholding the information outweighs the public interest test in releasing the information.

#### Public Interest Test

I recognise the general public interest in openness and transparency that the release of the information would engender so as to help the public gain a better understanding of the decisions made by Government. It is also recognised that there is a public interest in how public money is to be, or has been, used to ensure that Government gets the best value from the public purse.

Both reports deal substantially with the operational methodology of the companies, their funding situation, structure and the financial and operational challenges they face in the future.

The reports contain sensitive commercial information on the business of Welsh ICE and the Alacrity Foundation, their parent companies, founding partners, associated third parties and possible future funding streams. They highlight sensitive financial information which, if placed into the public domain would be likely to put the companies at a commercial disadvantage in what we recognise are very competitive markets as competitors would have access to a level of detail that they otherwise wouldn't have. It would also be likely to allow a commercial advantage to potential competitors were the reports to be disclosed, as well as prejudice their ability to secure future potential contracts.

Release of the reports would also likely prejudice the business standing and reputation of the companies which conducted the reviews, and those who participated in the research in confidence, thus putting the companies at a commercial disadvantage as competitors would again have access to a level of detail that they otherwise wouldn't have. The financial details contained in the reports would allow competitors to gain an unfair advantage and potentially harm future business dealings and jeopardise relationships between Alacrity and Welsh ICE and their members and partners.

The reports also contain details and conclusions on the most effective elements of the activities undertaken by the companies and recommendations for strategies and priorities

to maximise the effectiveness of them in future developments and activities. To release this information would place the companies at a commercial disadvantage, as competitors would be able to adapt their strategies and activities and nullify any possible commercial advantage both companies may have previously held, as competitors would have access to details they otherwise would not.

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 we work. I also accept that this information would likely be of interest to the companies' competitors.

I am satisfied that if this information was released into the public domain it would be likely to have a detrimental impact, as the information would be likely to be of interest to competitors who are actively competing for similar business, and in light of the prejudice that would be likely to occur, I do not believe it would be in the public interest to release the information requested.

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