



Ein cyf/Our ref ATISN 11113

15 March 2017

Dear ,

Request for Information – ATISN 11113

I wrote to you on 21 February regarding your request for information. You asked for information regarding the statement made by Carwyn Jones during First Ministers Questions on 14 February, that of the business the Welsh Government has supported, only 2.4 per cent have failed to deliver on their agreed objectives.

You have requested the names of the companies/organisations which make up this 2.4 per cent and the amount awarded to each project.

I can confirm that we hold information relating to your request which has been enclosed. This information relates specifically to businesses who are no longer trading as they have been subject to insolvency proceedings.

However, I have concluded that information relating to certain companies within this 2.4 per cent is exempt from disclosure under section 43(2), Commercial Interests, of the Freedom of Information Act 2000 (FOIA). Full reasoning for applying this exemption is provided 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.

Please remember to quote the ATISN reference number above.



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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.

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

ATISN 11113 – Application for Exemption

Section 43 (2) – Commercial Interests

Decisions relating to non-disclosure have been taken with due consideration of the exemptions identified under Section 43(2) of the FOIA. This states that information is exempt information if its disclosure under the FOIA 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.

I recognise the general public interest in openness and transparency and that the release of the information would 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.

The remaining companies are still trading and have made every effort to bring these matters to a close in a structured manner. The process is ongoing therefore the Welsh Government has to consider whether the companies' commercial interests would be prejudiced by the disclosure of this information. If the information requested were to be disclosed at this time it would have a detrimental impact upon their Stakeholders (including shareholders, potential shareholders and clients) and would prejudice their commercial interests should the information associated to this matter be disclosed.

To place this information into the public domain would be likely to put these companies at a commercial disadvantage in what are very competitive markets. It would also be likely to allow a commercial advantage to potential competitors were it to be disclosed as it would undermine their competitiveness and adversely affect the way they manage their portfolio and business dealings. Whilst this information would be of interest to 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. Competitors would have access to a level of information not otherwise available to them so as to enable them to obtain a commercial advantage. Releasing the information would also provide competitors with an indication of the companies' funding position which in turn would be likely to prejudice their ability to further capitalise its business. It would also have a direct impact upon their current and future potential revenues and their ability to conduct business in the free market by adversely influencing existing and potential clients.

One of the businesses is currently undergoing complex and sensitive equity raising processes, the information requested is part of this process and if we were to disclose the figure it would place them at a commercial disadvantage when in negotiations with other investors. I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. It would also have a detrimental impact upon the reputation

of the company and would adversely influence potential shareholders and clients and thus prejudice its commercial interests and ability to take advantage of commercial opportunities and ability to raise capital. Any disclosure would be prejudicial to its ability to undertake deals and negotiations with other third parties/future investors regarding future projects. I am satisfied that if this information was released into the public domain it would be likely to have a detrimental impact on them and so be likely to prejudice their commercial interests.

I also believe that there exists a public interest in ensuring that private companies, such as these, which aim to create a significant amount of new jobs for the people of Wales, can do so in the knowledge that their efforts will not be prejudiced by the disclosure of commercially sensitive information. 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.

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 this information.

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

Company	Amount Awarded
Abannan Limited	£250,000
Eco Homes (Manufacturing) Limited	£142,000
G24 Innovation Limited	£1,000,000
Green Hill Construction Limited	£146,650
Griffin Place Communications Ltd	£600,000
Ideoba Limited	£200,000
Kealth Foods Limited	£130,000
Kancoat Limited	£2,088,400
Kodit Database Limited	£75,940
Llanisolar Ltd	£83,000
Mainport Engineering (1990) Limited	£650,000
Metermimic Limited	£52,346
Oysterworld Ltd	£1,415,000
Penn Insure Limited	£186,533
Retirement Review Limited	£430,000
Rovac Aerospace Limited	£277,989
Sequence Collective Ltd	£85,000
Ruthin Castle Limited	£500,000
Tempest Fashion Limited	£100,000
Turnstile Partners LLP	£50,000
Viridis Plastics UK Limited	£470,000
Xwavia Limited	£305,000