



27 September 2017

Dear ,

Request for Information – ATISN 11444

I wrote to you on 25 August regarding your request for information. You asked for details of any headlease, Government guarantee or other form of contingent liability entered into by the Welsh Government in relation to Aston Martin Lagonda.

I confirm we hold information relating to your request. I have concluded that details of the headlease are exempt from disclosure under Section 22 – information intended for future publication, of the Freedom of Information Act 2000. I have also concluded that details of any Welsh Government guarantee relating to the Superhanger, is exempt from disclosure under Section 29 – economic interests of the Freedom of Information Act 2000. Full reasoning for applying these exemptions is given at Annex A to this letter. I can advise that Aston Martin Lagonda Ltd. have accepted £5.8 million in Repayable Business Finance.

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

Annex A



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ATISN 11444 - Consideration For and Against Disclosure of Information

Decisions relating to non-disclosure have been taken with due consideration of the exemptions identified under Sections 29(1)(a) and 22 of the Freedom of Information Act 2000 (FoIA). Both are qualified (public interest tested) exemptions and in order to engage them, 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 29(1)(a) – Economic Interests

This states:

29 (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(a) the economic interests of the United Kingdom or of any part of the United Kingdom

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 on behalf of the people of Wales.

To attract major global companies such as AML, negotiations are subject to a highly competitive process due to the significant economic benefits hosting these companies bring as well as the enhancement of the host Country's international reputation. Attracting companies such as AML directly influences the perceptions of other businesses, grows markets and jobs, showing that Wales is open for business and in fact is a very attractive place for potential businesses. It also sows the seeds for future economic growth and job creation opportunities.

After assessing 20 locations globally, Aston Martin selected Wales for the site of its second manufacturing location. The Welsh Government saw off competition from locations including North America, the Middle East and closer to home in Coventry, to win the lucrative investment project. As well as creating 750 high-skilled jobs the investment, which will run into hundreds of millions of pounds, it will support a further 1,000 jobs in the supply chain and within local businesses.

The Welsh Government guarantee in relation to the Superhanger at St Athan was one of the key components required to attract AML to Wales. This guarantee and agreement was a unique proposal to the Welsh Government and Wales for attracting a global company such as AML. Due to this success of this strategy, similar proposals could be employed by the Welsh Government to attract further internationally renowned companies such as AML to Wales. To disclose the details of this unique strategy would mean competitors (other countries and administrations within the UK) would have access to a level of information not otherwise available to them which would enable them to obtain an advantage in negotiations to attract similar global companies. I do not believe that facilitating this type of unfair competitive advantage

would be in the wider public interest. If this information were placed in the public domain, it would be likely to adversely affect our ability to bid successfully to attract future similar businesses and harm our economic interests. We would not have access to similar information on competitors, and so would be at a significant disadvantage when competing for other businesses in future. I believe the resultant harm to our economic interests, should this information be released, would be substantial.

If this information were placed in the public domain, it would be likely to harm and compromise our future negotiating position with regard to securing future business and undermine the trust and confidence we have built up with other companies over many years of successfully attracting these type of investments. This would in turn be likely to inhibit Welsh Government efforts in attracting other companies and therefore work against the wider objective of helping businesses grow and create jobs for the people of Wales. Whilst this information may be of interest to our competitors and potential future projects and partners, I do not believe that it would be in the public interest to prejudice the economic interests of Wales and the stated benefits that attracting major companies bring to the economy by releasing the 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. I do not believe it is in the wider public interest to prejudice the economic interests of the Welsh Government and our efforts to obtain value for money in future negotiations using the public purse.

I am satisfied, therefore, that releasing the information would be likely to prejudice economic interests as defined by this exemption. Whilst the information may be of interest to those working in direct competition, I cannot see any wider public interest in releasing the information. I have decided therefore that the public interest in withholding the information outweighs that in releasing it.

Section 22 – Information Intended for Future Publication

Section 22 states that *Information is exempt information if –*

- a) The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)*
- b) The information was already held with a view to such publication at the time the request for information was made, and*
- c) It is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph a).*

I am of the opinion that subsections (a) and (b) above are met because the information is held with a view to its publication. This information is expected to be published by end of 2017. With regards to part (c), I have given consideration as to whether it would be 'reasonable in all the circumstances' that the information should be withheld from disclosure until the proposed publication date. I am of the opinion that releasing the information at this time would cause disruption to the Welsh Government's intentions in relation to its publication. On conclusion of the sale of the Superhanger to

AML all details will be forwarded to the land registry for publication. Thus I am content that the exemption is engaged.

The proposed publication for this information has been agreed as part of normal business. As is the case for any land/property sales dealt with by the Welsh Government the Welsh Government will forward finalised details to the land registry for publication. I am of the opinion that publicly releasing details at this time would cause disruption to the Welsh Government in relation to this work in that the final details as published by the land registry will reflect an accurate outline of the headlease agreement. If released now it may differ from that published on the land registry website as it is dependent on exchange of contracts and as with any negotiations of this nature subject to last minute amendments or changes. If released prematurely, this may be misconstrued and be misleading to the public.

Section 22 is a public interest exemption. This means that, in order to withhold information, I must show that the public interest in withholding is greater than the public interest in releasing it.

In terms of the public interest, it is recognised that there is public interest in there being openness and transparency within Government.

The Welsh Government has committed to publishing information of this nature via the land registry. By restricting access to information ahead of publication, the information will be published in a pre-agreed and co-ordinated manner to all people at the same time, and will ensure the quality and integrity of the information.

An accelerated release of the information might result in inaccurate information being disclosed prematurely, misleading the public.

To that end, I do not think it is reasonable in all the circumstances or in the public interest to release this information prematurely. Rather, I believe the public interest would be best served if the information were released as scheduled. I am satisfied therefore that the balance of the public interest falls in favour of withholding the information.