



5 June 2018

Dear ,

Request for Information – ATISN 12314

I wrote to you on 11 May regarding your request for information. You asked for information relating to the Welsh Government marketing deal with Qatar Airways to promote Wales around the world, specifically how much the Welsh Government is paying Qatar Airways for this deal and how it is structured.

I confirm we hold information caught by your request. I have concluded, however, that it is exempt from disclosure under Sections 29, the economy and Section 43, commercial interests, of the Freedom of Information Act 2000. My reasoning for withholding the information under these exemptions is given at Annex 1.

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@gov.wales. 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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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 .

ATISN 12238 – APPLICATION OF EXEMPTIONS

Decisions relating to non-disclosure have been taken with due consideration of the exemptions identified under Sections 29, the economy and 43(2), commercial interests, of the Freedom of Information Act 2000 (FOIA).

Both are qualified (public interest tested) exemptions. This means that in order to engage them, the Welsh Government must show that the public interest in withholding the information is greater than the public interest in releasing it. Consideration has therefore been given 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, the wider effects of disclosure have been considered rather than any personal interest you may have in being provided with the information.

Section 29(1)(a)- the economy

This exemption 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,

Prejudice Test

The release of this information at this time would be likely to prejudice the economy of Wales as it would place into the public domain highly sensitive and current commercial information which is still being relied upon by the Welsh Government in negotiating similar deals with other companies. Releasing the information would be likely to prejudice the Welsh Government's negotiating position in working with other airlines in terms of competing regions and their respective tourism interests.

Public interest arguments in favour of release

The Welsh Government accepts 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. In this case, the Welsh Government accepts the public will have an interest in the expenditure associated with the marketing partnership agreement which has been signed with Qatar Airways to increase Wales' visibility in key markets as a holiday and business destination.

Public interest arguments in favour of withholding

The information you have requested includes detailed, commercially sensitive information on all aspects of this unique deal. The economy of Wales is interlinked with the success of this deal and its significance and subsequent success cannot be underestimated in this regard. I believe that releasing the funding amount and deal structure would be likely to create a level of expectation by other companies in believing they would be entitled to an equal or similar deal. This would be likely to prejudice any potential negotiations between the Welsh Government and other companies as this deal is unique to Welsh Government

and Qatar Airways. I believe this, in turn, would be likely to prejudice the economy as it would prejudice our negotiating position and our efforts to ensure best value for the Welsh pound for any future deals.

Whilst it is recognised that, as a general rule, the sensitivity of information is likely to change over time, in this case the information captured is very much current information which we accept that over time may become less commercially sensitive.

The Welsh Government is therefore of the view that the public interest is best served by withholding the information requested in order to protect the wider economic interests of Wales and ensuring the best value for the Welsh pound for any similar deals in future.

Section 43(2) – commercial interests

This exemption states that:

(2) 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).

Prejudice Test

The contractual and commercial terms agreed between the Welsh Government and Qatar Airways are commercially sensitive. Revealing how much the Welsh Government is contributing towards the joint deal with Qatar Airways and how it is structured would be likely to prejudice the company's commercial interests. It would expose commercially sensitive details to the company's competitors which they would otherwise not have access to, allowing those competitors to understand and plan for competitive positioning and campaigns in feeder markets promoting other gateways. The information also reveals, for example, information regarding Qatar Airways' global service providers and suppliers, advertising rates it has secured, profit margins, day rates and overhead costs. This information is very much commercially sensitive current information which is being relied upon by the airline to negotiate rates with its suppliers and contractors.

Public interest arguments in favour of release

As indicated above, the Welsh Government accepts 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. In this case, the Welsh Government accepts the public will have an interest in the expenditure associated with the marketing partnership agreement which has been signed with Qatar Airways to increase Wales' visibility in key markets as a holiday and business destination.

Public interest arguments in favour of withholding

The Welsh Government does not believe it is in the public interest to place a business at commercial risk by disclosing commercially sensitive details of this deal. Whilst the withheld information would be of interest to the airline's competitors, we do not believe it would be of sufficient interest to the wider public. We further do not believe there is a public interest in prejudicing the commercial interests of the business by the release of this 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 believe the priority in this instance is ensuring the commercial interests of the company. The Welsh Government has published as much information as it is able to, such as through Press Notices, and will continue to do so.

The Welsh Government is therefore of the view that the public interest is best served by withholding the information in order to protect the commercial interests of Qatar Airways. This balance may change over time.