



Ein cyf/Our ref ATISN 13383

Dear
Llywodraeth Cymru
Welsh Government

**Request for
Information – ATISN
13383**

25 October 2019

I wrote to you on 4 September regarding your request for information. You asked how much money in grants or any other kind of assistance has the Welsh Government given to Axiom Manufacturing Services in each financial year from 2004 to 2019?

I can confirm that we hold information relating to your request. However, I have concluded the information 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 Email: Freedom.ofinformation@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

ANNEX A

ATISN 13383 – Consideration For and Against Disclosure of Information



**BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE**

Llywodraeth Cymru /
Welsh Government
Parc Cathays / Cathays Park
CF10 3NQ

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.

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

Section 43 is a qualified (public interest tested) exemption and 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.

Section 43(2) – commercial interests

The exemption states:

(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).

The Welsh Government is of the view that revealing the information would be likely to prejudice Axiom's commercial interests should it be disclosed at this point in time. The information would reveal commercially sensitive information not otherwise publically available and which, if disclosed, would be likely to prejudice Axiom's offering and future strategy. The information for example evidences support that has provided Axiom with a competitive advantage which if disclosed would subsequently undermine the intended support provided. This information is not in the public domain.

To disclose the details would mean competitors would have a distinct commercial advantage by undermining Axiom which would be likely to put their own business at risk and therefore prejudice the company's ability to engage in future commercial activities. We do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

Public Interest Test For Disclosure

The Welsh Government recognises the public interest in openness and transparency within government, particularly in terms of ensuring an accountable government by disclosing how the Welsh Government spends public money and that the money is invested wisely.

Public Interest Against Disclosure

Disclosure of this information would provide competitors with access to a level of information not otherwise available to them. This would be likely to enable competitors to obtain an advantage in negotiations for similar businesses. We do not believe facilitating this type of unfair competitive advantage would be in the wider public interest.

For example, disclosure of information on the company's support would allow competitors to understand and potentially copy or undercut its activities. Axiom operates in a highly competitive and technical environment and competes against organisations around the globe. Axiom has developed strong working relationships

with its customers and a key part of this has been the result of trust built through its manufacturing competence and ability to abide by its clients commercial obligations. One of Axioms' unique selling points(USP) is their relative remote and shielded location. Releasing information on the support provided would result in an enhanced local profile, this again, would threaten the commercial interest of the company and the medium term sustainability within the locality. Axiom does not have access to similar information on its competitors, as they do not publish it, so would be at a significant disadvantage when competing for other businesses in future. We believe the resultant harm should this information be released, would be substantial.

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