



Eich cyf/Your ref  
Ein cyf/Our ref ATISN 10104

February, 2016

Dear

### Request for Information – ATISN 10104

I wrote to you on 29 January regarding your request for information. You asked for the start and end dates and values (if available) of the following frameworks/contracts:

1. C305/2014/2015 — Framework Agreement for Export Support Services. (343252-2015; United Kingdom-Cardiff: Research and development consultancy services)
2. C60/2015/2016 — Northern Gateway, Deeside — Highway Infrastructure Works — Phase 1. (311915-2015; United Kingdom-Llandudno Junction: Site preparation work)
3. Longer distance bus and coach services and other strategic local bus services across Wales. (301786-2015; United Kingdom-Cardiff: Buses and coaches)
4. A55 Junction 15 and 16 Improvement ECI. (178549-2015; United Kingdom-Cardiff: Engineering design services for the construction of civil engineering works)
5. M4 Brynglas Tunnels Refurbishment — Commission for ECI Contractor. 396928-2014; United Kingdom-Cardiff: Engineering works and construction works)

I can confirm that we hold some information relating to your request. However, I have concluded that the information relating to question 1 is exempt under Section 21 (information accessible by other means) of the Freedom of Information Act 2000. That information is available on the sell2wales website

[https://www.sell2wales.gov.uk/search/show/search\\_view.aspx?ID=JAN119455](https://www.sell2wales.gov.uk/search/show/search_view.aspx?ID=JAN119455)

For questions 2, 3 and 5, I have concluded that the information is exempt from disclosure under Section 22 of the FOI Act, information intended for future publication. The information will be published on the sell2wales website in due course -

<https://www.sell2wales.gov.uk/>. Full reasoning for applying this exemption can be seen at Annex A. The A55 contract has not currently gone out to tender therefore we don't hold the information relating to question 4.

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,

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

**Contracts Adviser T&SR Procurement**

## **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 in late February 2016. 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 arrangements. Thus I am content that the exemption is engaged.

Section 22 is a public interested 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 and that disclosing the information might increase understanding of how public money is used to support businesses in Wales.

The proposed publication date for this information has been agreed as part of normal business in line with European regulations. The Welsh Government has committed to publishing information of this nature on the sell2wales website within the 30 day compliant period which means the award notice is published on sell2wales within 30 days of the contract being awarded. The type of information published includes the start and end dates and values of the frameworks/contracts. I am of the opinion that publicly releasing the information at this time would cause disruption to the Welsh Government's pre-set programme in relation to this work. If released prematurely, this may be misconstrued and be misleading to 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 as with all contracts of this nature. I am satisfied therefore that the balance of the public interest falls in favour of withholding the information.