



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref 10112

17 February 2016

Dear ,

ATISN 10112

Thank you for your request which was received on 20 January. You asked for:

- A copy of the minutes of meetings between Amber Infrastructure and WEFO between the start of 2011 and the end of 2012?

A copy of the information I have decided to release is enclosed.

I have decided that some of the information is exempt from disclosure under sections; 40(2) personal information and 43 Commercial Interests, of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex 1 to this letter.

You also posed some questions which I have not dealt with as Freedom of Information requests in that they do not constitute requests for recorded information. I am happy, however, to provide you with answers to the questions which I understand to be;

1. Please can you tell me who should have taken the minutes and what explanation has been given for them going missing?
2. Please can you explain the fact that Amber says that it involved Ministers - NB. plural, and who exactly is meant by WM,WG?

In relation to the first question; It is the responsibility of the co-ordinating official who has provided briefing for the Minister for the meeting to provide for a minute to be taken. In searching the records following a request from the Public Accounts Committee for this minute no such record could be found. It is not clear whether a minute was not produced at the time or if it simply was not properly stored in our records management system and

therefore is not retrievable through a normal search. You will appreciate that a very large number of records of this type are generated, whilst rare there are circumstances in which errors are made.

In relation to the second question; WG means Welsh Government and WM is likely to mean Welsh Ministers. The latter is usually used to refer to the legal entity that describes the office that Ministers hold and the exercise of Ministerial powers. As for the reference by Amber to Ministers I can only assume that might be affected by this usage. I can confirm that diary records indicate that Huw Lewis AM then Minister for Housing and Regeneration was the only Ministerial attendee.

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: 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 1

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
Elements of the minutes have been redacted	Section 40(2) and Section 43

This Annex sets out the reasons for the engagement of sections; 40(2) and 43 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of section 40(2) (Personal information) of the Freedom of Information Act/ regulation

The Welsh Government believes that the personal information of 3rd parties should be exempt from disclosure. Information which could identify individuals might expose them to unfair public criticism or ridicule.

Engagement of section 43 (Commercial interest) of the Freedom of Information Act/ regulation

The Welsh Government believes that information which might detract from the ability of commercial bodies to trade freely should be exempt from disclosure. Information which relates to the commercial interests of; bodies seeking investment from RIFW, bodies involved in any sale of assets by RIFW or parties involved in RIFW might be used by other commercial agents to the detriment of their interests.

Public interest arguments in favour of disclosure

- There is a public interest in transparency and accountability around RIFW as a wholly owned arms length body and in the way in which it was established by WG.
- There is a public interest in good decision-making by public bodies, in upholding standards of integrity, in ensuring justice and fair treatment for all, in securing the best use of public resources and in ensuring fair commercial competition in a mixed economy. In this regard I have regarded RIFW as a public body. However, this is conditioned by its own identity as a commercial entity which seeks to trade to pecuniary advantage.
- Where acting in a public role of sufficient seniority or control it is reasonable for individuals to be known to the public for the purposes of accountability

Public interest arguments in favour of withholding

- The public interest in transparency and accountability has been served by an Auditor General's investigation and subsequent consideration by the Public Accounts Committee. In balancing competing interests I have taken this into account in weighting the relevant considerations.
- These minutes were produced by WEFO for internal purposes and were not subject to comment by other meeting attendees. The public interest is more clearly served by access to information which is not disputed or subject to dispute and where individuals have not been denied the natural justice of a right to reply.
- The public interest is served where parties can submit information to Government in confidence with a reasonable expectation that it remains so. The legal remedy which might be pursued by them as a result of an unreasonable breach of this expectation might lead to significant loss to the public purse.
- A number of bodies have commercial interests which might be affected by disclosure. This includes; parties who have made applications to RIFW who might now wish to make loan applications to other bodies.

- When undertaking duties or responsibilities that are part of ones normal job in good faith it is reasonable to expect not to be exposed to public ridicule. The public interest does not require the naming of individuals in these circumstances to ensure accountability.

Balance of public interest test

On balance the public interest requires that some of the material you have requested is redacted.