



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 10153

Date: March 2016

Dear ,

Request for Information – ATISN reference 10153

Thank you for your request which was received by the Welsh Government on 2 January 2016.
You asked for the following information:

Please provide by email a copy of the original "General Expressions of Interest Form" that was jointly submitted to the Welsh Government's Invest to Save team by the South Wales and Mid & West Wales Fire & Rescue Services (2013/14) in relation to the Joint Public Service Centre Control Room Project (JPSCP) at Bridgend.

I also request a copy of any subsequent document that relates to the declared Financial Benefits of the JPSCP project, Total Costs of the Project and Breakdown of Grant Requirements including Repayment Proposals should any of these have changed from those identified in the original General Expressions of Interest Form.

This information is requested under the auspices of the Freedom of Information Act 2000 in order to assist with an independent assessment of the £3m loan provided by the Welsh Government to support the JPSCP project and that project's declared outcomes.

I have concluded the information you have requested is exempt under Section 43 of the Freedom of Information Act (2000) – commercial interests. I have set out my reasons for non disclosure 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



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Parc Cathays • Cathays Park
Caerdydd • Cardiff
CF10 3NQ

CentralDepartments-FOI/DP@wales.gsi.gov.uk
Gwefan • website: www.cymru.gov.uk

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

Section 43 – Commercial Interests

The Section 43 exemption states that:

Information is exempt if its disclosure under the Freedom of Information Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

The Expression of Interest contains information relating to the expenditure incurred by the parties engaged in the contact centre project. The work on the new centre is made up of a number of elements including:

- Construction;
- Information technology; and
- Communications.

Each element of the works which form part of the contact centre will be subject to the relevant competitive tendering procedures and contract negotiations. These are necessary to ensure that the best possible value for money is obtained for the taxpayer. Such information would be of interest to potential suppliers for the various elements of the project and would allow them to surmise available budgets.

As the various organisations involved in the project also have existing contractual obligations which could change as a result of the new contact centre the Expression of Interest also contains details of the potential changes which could be made to these arrangements. This would be of interest to the existing suppliers as they would then be aware of possible changes to current contracts which would place the fire service at a commercial disadvantage.

We recognise the need for openness and transparency within Government and that the disclosing of information might increase the public understanding of how public money is used to support the modernisation of the services provided to the public. However, I am of the opinion that the release of the Expression of Interest and any associated financial information will be prejudicial to the interests of the organisations supporting the current development and the future maintenance arrangements of the contact centre.

The interests of the public bodies funding the contact centre would be harmed by the release of budget data as this could allow bidding organisations to maximise the value of submissions for work which would ultimately create poor value for money for the taxpayer as costs could be artificially inflated. The release of future plans and the effect on existing contracts would allow existing suppliers to surmise future activities and plans. This would harm the interests of the organisations meeting the running costs of the centre as these suppliers would be able to surmise the plans of the organisations and thus put the contact centre operators at a commercial disadvantage. Disclosure could therefore lead to poor value for money being obtained for taxpayers.

Section 43 is subject to the public interest test, which means that in order to engage it, it must be shown that the public interest in withholding the information is greater than the public interest in releasing it.

Whilst there would be interest from potential and existing suppliers I do not believe that it would be of interest to the wider public and would be likely to prejudice the interests of the organisations supporting the contact centre. This would ultimately be harmful to taxpayers as costs could be artificially increased and poor value for money achieved in both the short and long term. The harm to the public interest therefore outweighs the interest which would be generated by the release of the information. I also believe that there exists a public interest in ensuring that public sector organisations can receive Welsh Government financial support to improve services in the knowledge that their plans will not be prejudiced by the untimely disclosure of commercially sensitive information.