



Ein cyf/Our ref ATISN 10335

26 April 2016

Dear ,

Request for Information – ATISN 10335

Thank you for your request for information which I received on 24 March. You have requested the following:

- 1) How much money has been given (by any means) to General Dynamics to support the factory in Merthyr?
- 2) When was the Welsh Government contacted about planting a factory in Wales?
- 3) A copy of any cost/benefit analysis on this investment. If it is necessary to redact sections of this due to commercial confidentiality - please do so.
- 4) What other concessions have been made to General Dynamics to bring the factory to merthyr (i.e. road changes, improved lighting, or communications improvements.)

Regarding points 1 and 3, I have concluded that this information is exempt from disclosure under section 43(2) – Information prejudicial to commercial interests of the Freedom of Information Act 2000. Full reasoning for applying this exemption is detailed at Annex A.

Regarding point 2, the potential for a facility in Wales was first discussed with the Welsh Government in August and September 2014. Regarding your final question, no other concessions have been made to General Dynamics Land Systems-UK to open the facility in Merthyr Tydfil.

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.



BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

EST FOI Team
Welsh Government
Treforest - QED Centre
Main Avenue
Treforest Industrial Est
Pontypridd
CF37 5YR

ES&T-FOI@wales.gsi.gov.uk
www.gov.wales

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.

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

ATISN 10335 – Application for Exemption

Decisions relating to non-disclosure have been taken with due consideration of the exemption identified under section 43(2) of the Freedom of Information Act 2000 (FOIA). In considering whether to release or withhold the requested information I have to consider the effects of disclosure of the information to the world at large, rather than disclosure just to the requestor who may, or may not, have a particular interest in accessing the information.

Section 43(2) – Commercial Interests

Section 43(2) states that “Information is exempt 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)”. This exemption is a qualified exemption. I must therefore demonstrate that the public interest in withholding the information outweighs the public interest test in releasing the information.

Public Interest Test

I recognise the general public interest in openness and transparency that the release of the information would engender so as to help the public gain a better understanding of the decisions made by Government. It is also recognised that there is a public interest in how public money is to be, or has been, used to ensure that Government gets the best value from the public purse. 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 we work. I also accept that this information would likely be of interest to the company's competitors.

If the information you have requested were released, it would provide the market with information about the financial status of General Dynamics UK, and provide competitors a basis upon which to determine their pricing strategy amongst other commercially sensitive information that would, or would be likely to, prejudice GDUK's commercial interests.

If placed into the public domain the requested information would be likely to put the company at a commercial disadvantage as competitors would have access to a level of detail in relation to a commercial contract that they otherwise wouldn't have. It would also be likely to allow a commercial advantage to potential competitors were it to be disclosed, as well as prejudice the company's ability to secure future potential contracts. I am satisfied that if this information was released into the public domain it would likely have a detrimental impact, as the information would likely be of interest to its competitors and in light of the prejudice that would be likely to occur I do not believe it would be in the public interest to release the information requested. I do not believe that it would be of interest to the wider public, and I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

I also believe that there exists a public interest in ensuring that private companies who engage with the Welsh Government can do so in the knowledge that their efforts will not be prejudiced by the untimely disclosure of commercially sensitive information.

In conclusion, I believe that the balance of the public interest therefore falls in favour of withholding this information.