



Ein cyf/Our ref ATISN 10443

Llywodraeth Cymru  
Welsh Government

16 June, 2016

Dear ,

**Request for Information – ATISN 10443**

I wrote to you on 20 May regarding your request for information. You asked for information relating to the evaluation of grant funding made to private sector. In particular, post award evaluations and where the grant funding relates to activities within the education sector. You specifically requested details over the educational impact of these awards, including (but not limited to) the number of learners and teachers each grant fund engaged with.

I can confirm we hold information relating to your request and have enclosed correspondence that is captured (Doc 6). Please note that names have been redacted under Section 40(2), Third party personal data of the Freedom of Information Act (FOIA) 2000. I have also redacted information which is exempt from disclosure under section 43(2) – Information prejudicial to commercial interest of the Freedom of Information Act 2000. Full reasoning for applying these exemptions is detailed at Annex A.

The requested information relates to several grant payments made in respect of three learned societies; Royal Society of Chemistry, Royal Society of Biology (formerly known as the Society of Biology) and the Institute of Physics.

The above relates to the delivery of Science Technology Engineering and Mathematics (STEM) enrichment activities or “informal science learning” which occurs outside formal education and is considered as primarily inspirational in nature. Consequently, STEM enrichment is widely considered as offering opportunities to primarily pupils to engage with the world of STEM; promoting STEM and STEM opportunities by delivering activities which are enjoyable, accessible and inclusive.

The respective payments broadly correspond to three discrete programmes – Spectroscopy in a Suitcase, Gopher Science Labs for Wales and Lab in a Lorry delivered



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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.

by Royal Society of Chemistry, Royal Society of Biology and the Institute of Physics respectively.

The Spectroscopy in a Suitcase programme represents a strategic Welsh Government investment relating to the acquisition and deployment of several spectrometers at several Welsh Universities; providing access to A level students to gain a “hands on” experience relating to analytical technology.

The Gopher Science Labs (GSL) for Wales programme aims to communicate scientific ideas to develop pupil curiosity about the world. Events were hosted in secondary schools, with local primary schools invited to take part. Activities were demonstrated by secondary students prior to primary pupils taking their turn. Skills developed include communication, team working and increased self-confidence. In addition, resource packs and experiment kits were provided together with twilight teacher training sessions.

A GSL webpage <https://www.societyofbiology.org/gophersciencelab> has been updated with a link to the database to match schools interested in running their own GSL event following the funded project in Wales. This is regarded as providing a legacy resource.

The Lab in a Lorry programme is a mobile science laboratory that delivers “hands-on” physics experiments to secondary schools.

The respective payments correspond to several quarterly reporting periods including both interim and final project completion stages relating to distinct and successive grant rounds spanning a several year period.

However, in response to your query and for ease of reference, where complete final project delivery has occurred, the enclosed table below captures programme related outputs:

Learned Society	Programme	Total Number of pupils	Number of Schools Visited / Schools engaged	Number of Teacher CPD events held	Number of Teachers attended CPD events
Royal Society of Chemistry	Spectroscopy in a Suitcase	1,795	81	N/A	N/A
Royal Society of Biology	Gopher Science Labs for Wales	1,859	200	10	138
Institute of Physics	Lab in a Lorry	14,438	78	N/A	N/A

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

## **Annex A**

### **Section 40(2) – Personal Data**

Section 40(2) of FOIA requires third party personal data to be withheld in circumstances where its disclosure would breach any of the data protection principles set out in Schedule 1 of the Data Protection Act 1998 (DPA)

We consider that disclosure of this personal data would breach the first data protection principle. The first data protection principle requires that processing of personal data must be fair and lawful, in particular, that it should not be processed unless one of conditions set out in Schedule 2 of the DPA is met.

In determining whether disclosure would contravene the first data protection principle, we have considered whether disclosure would amount to fair and lawful processing of those individuals' personal data. The individuals concerned do not have public facing roles. We consider that those individuals would be under reasonable expectation that their information would remain confidential and not disclosed to the public at large.

As such, we do not consider that disclosure of the withheld personal data would be fair. Guidance from the information Commissioner's Office (Personal information (Section 40 and regulation 13) v1.0 states:

"The public authority must decide whether it would be fair to disclose the personal data. If the public authority concludes that it would not be fair, then it must not disclose the information in response to the FOIA request"

In this instance, because the individuals would have had no expectation that their personal data would be released into the public domain, we believe that release of this information would be unfair and so breach the first data protection principle. For that reason, the information is being withheld under Section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to public tests.

### **ATISN 10443 – 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.

The information captured by the request is commercially sensitive to the successful winning bidder. Releasing this information would be likely to provide competitors with an unfair advantage when submitting future tendering bids because this information will provide details of the winning tender(s) confidential and commercial information. It will also show the quality of the submissions, which are key to winning any Welsh Government procurement competitions. Providing this level of detail is necessary when competing for tenders and bidding for work. Whilst this information would likely be of interest to the company's competitors, I do not believe that it would be of interest to the wider public and would be likely to prejudice the commercial interests of the business involved. It would also be likely to prejudice the winning bidder in securing future potential contracts because competitors would have access to a high level of detail that they otherwise wouldn't have. 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, such as these can do so in the knowledge that their efforts will not be prejudiced by the untimely disclosure of commercially sensitive information. I am aware that as a general rule, the sensitivity of information is likely to reduce over time, so that the age of information, or timing of the request may be relevant in determining whether to apply the exemption, or where the public interest may lie. In this case, however, the information captured is very much current information. In conclusion, I believe that the balance of the public interest therefore falls in favour of withholding this information.