



Eich cyf/Your ref
Ein cyf/Our ref ATISN 10484

29 June, 2016

Dear ,

Request for Information – ATISN 10484

I wrote to you on 3 June regarding your request for information. You asked for a copy of the winning bid of the '2016 Wales Visitor Survey'.

I can confirm that we hold information relating to your request. However, details of the winning bid of the '2016 Wales Visitor Survey' are exempt from disclosure under Section 43(2) of the Freedom of Information Act 2000, information prejudicial to commercial interest. The reason for applying this exemption is set out at Annex A of this document.

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.

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



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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.

Annex A

ATISN 10484 – Consideration For and Against Disclosure of Information

When information is released in response to a Freedom of Information Act (FOIA) request, that information is made available to anybody and everybody, not just the requestor. As such, when considering your request I have considered the wider effects of disclosure rather than any personal interest you may have in being provided with the information.

Section 43(2) – Commercial Interests

Decisions relating to non-disclosure have been taken with due consideration of the exemptions identified under Section 43(2) of the Freedom of Information Act 2000 (FOIA). This states that information is exempt information 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).

Section 43 is a qualified (public interest tested) exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it. I have therefore given consideration to the effects of disclosure of the information to the world at large as the information is made available to anybody and everybody, not just the requestor. As such, when considering your request I have considered the wider effects of disclosure rather than any personal interest you may have in being provided with 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. I also recognise 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.

However, the information captured by the request is commercially sensitive to the company involved in the tendering process. The document requested reveals information that would be likely to prejudice their service offering and when tendering for future work. We believe that to place this information into the public domain would be likely to put the company at a commercial disadvantage in what we recognise is a very competitive market.

The information requested reveals financial information, the skills, approach and processes put in place by the company, including current practices, methodologies and quality of service that have been developed specifically for these type of works. This level of detail is necessary when completing the required paperwork and it differentiates them from their competitors. Whilst this information would 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 their commercial interests. It would also be likely to prejudice the company in securing future potential contracts because competitors would have access to a 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.

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