Eich cyfeirnod
Your reference

Ein cyfeirnod
Our reference

ATISN 10668

Dyddiad
Date

13 September 2016

Llinell uniongyrchol
Direct line

Ebost
Email:

Dear ,

ATISN 10668 Welsh Government launched apps for Cadw and National Botanic Gardens

Thank you for your request which I received on 17 August 2016 about Welsh Government launched apps for Cadw and National Botanic Gardens. The information you requested is below.

The Cadw app was procured in accordance with the Welsh Government's procurement guidance for contracts with a value of up to £4,999.00. Procurement guidelines permit Cadw to approach a single supplier for contracts of this value. On this occasion Cadw approached two: Bronze Labs and Locly. Bronze Labs had created a 'pilot' mobile application for monuments on Anglesey and Locly had worked with the Royal Commission and the National Museum of Wales using ibeacon technology. Significant cost savings were identified with using either of these companies to develop their existing technology to meet the objectives of the brief. Following an evaluation of the two quotations Locly were contracted.

The Welsh Government has not procured a Plas Pili Pala app for the National Botanic Garden.

Emails relating to the procurement process, requirement building and budget allocation are contained in Annex A to this letter. However, I have concluded that the daily rates given as part of the procurement process, requirement building and budget allocation are exempt from disclosure under Section 43 – commercial interests of the Freedom of Information Act 2000. Full reasoning for applying this exemption is given at Annex B to this letter.

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 B

ATISN 10668 - Consideration For and Against Disclosure of Information

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

There is a public interest in openness and transparency within government, particularly in terms of ensuring transparent and accountable government by disclosing how the Welsh Government spends public money and that the money is invested wisely.

However, information about the daily rates of the successful contractors is commercially sensitive to the companies involved. It reveals individual commercial rates which is necessary to provide when competing for tenders and bidding for work. Disclosing that information 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 companies at a commercial disadvantage in what we recognise is a very competitive market. It would also be likely to allow a commercial advantage to potential competitors were it to be disclosed, as well as prejudice their ability to secure future potential contracts because competitors would have access to a level of detail that they otherwise wouldn't have.

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 that we work. I also accept that this information would likely be of interest to the company's competitors. On balance, however, I do not believe there is any wider pressing public interest in the release of the pricing schedule.

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

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