



Ein cyf/Our ref ATISN 10730

4 October 2016

Dear ,

Request for Information – ATISN 10730

I wrote to you on 6 September regarding your request for information. You asked for full details of the deal negotiated with Guardian Wealth Management to settle the matter of the recovery of the initial £700,000 investment funding from Welsh Government. You also requested details of the overall deal negotiated with the company - what was the total amount of funding which Guardian could have received from the Welsh Government and what terms would they have had to fulfil to qualify for the total funds on offer?

I can confirm that we hold information relating to your request. However, I have concluded that the information requested to the first part of your request is 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 A to this letter.

Guardian Wealth Management were awarded £850,000 to create 63 new jobs, of which £708,333 was paid on the creation of 41 jobs.

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.



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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.

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

ATISN 10334 – 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.

The Company has made every effort to bring this matter to a close in a structured manner and the process is ongoing therefore the information requested is commercially sensitive to the company. It would have a detrimental impact upon their Stakeholders (including shareholders, potential shareholders and clients) to reveal the information captured by this request at this time and would prejudice their commercial interests should the information associated to this matter be disclosed at this point in time.

To place this information into the public domain would be likely to put this company 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 it would undermine the competitiveness of their company and adversely affect the way they manage their portfolio and business dealings. 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 the commercial interests of the business. Competitors would have access to a level of information not otherwise available to them so as to enable them to obtain a commercial advantage. Releasing the information would also provide the company's competitors with an indication of the company's funding position which in turn would be likely to prejudice their ability to further capitalise its business. It would also have a direct impact upon the Company's current and future potential revenues as well as its ability to conduct business in the free market by adversely influencing existing and potential clients.

Guardian Wealth Management is a private company that is currently undergoing a complex and sensitive equity raising process, the information requested is part of this process and if were to disclose the figure it would place them at a commercial disadvantage when in negotiations with other investors. I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. It would also have a detrimental impact upon the companies' reputation and would adversely

influence potential shareholders and clients and thus prejudice their commercial interests and ability to take advantage of commercial opportunities and ability to raise capital.

Whilst 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 do not believe there is any pressing public interest in the release of the information.

I also believe that there exists a public interest in ensuring that private companies, such as this, which aims to create a significant amount of new jobs for the people of Wales, can do so in the knowledge that its 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 the 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. I believe that the balance of the public interest therefore falls in favour of withholding the information.