



Ein cyf/Our ref ATISN 10820

1 November 2016

Dear ,

Request for Information – ATISN 10820

I wrote to you on 6 October regarding your request for information. You asked for the following:

The amount of funding provided to Cardiff Aviation Ltd. by Welsh Government and Finance Wales.

The amount they have paid back and how much is still outstanding from loans provided by Finance Wales.

How much rent has been paid by Cardiff Aviation to Welsh Government and its agencies and how much rent is outstanding.

I can confirm that we hold some information relating to your request, we do not hold information relating to funding by Finance Wales. However, I have concluded that the information requested 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.

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 10820 – 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.

Regarding the information relating to the funding, we are currently in negotiations with the company 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 ongoing discussions with Government agencies, their Stakeholders (including shareholders, potential shareholders and clients) and possible investors. To reveal the information captured would prejudice their commercial interests should the information associated to this matter be disclosed at this point in time.

The correspondence requested would reveal historic commercial information, proposed business activities and development plans, thereby seriously prejudicing the company's service offering and financial strategy. Placing this information into the public domain would likely put the company at a serious commercial disadvantage in a very competitive market. Whilst the company is striving to make a global presence, specifically in Africa, such disclosure could hamper regulatory requirements at a sensitive period of expansion. In addition, the information requested would provide a commercial advantage to potential competitors. While this information would be of interest to the company's competitors, we do not believe it would be of interest to the wider public and would compromise the commercial interests of the business.

The information would allow access to an unacceptable level of financial information, including forecasts, commercial payments and pricing, as well provide the company's competitors with an indication of the funding position which would likely prejudice Cardiff Aviation's ability to further capitalise the business.

Cardiff Aviation is a private business that is currently undergoing a complex and sensitive equity raising process, the information requested is a part of that process. Therefore, disclosure would place it in a very difficult negotiating position. Such a

prejudiced position would not be in the wider public interest. It would also have an adverse 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.

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.