



Ein cyf/Our ref ATISN 10911

Llywodraeth Cymru
Welsh Government

6 December 2016

Dear

Request for Information – ATISN 10911

I wrote to you on 17 November 2016 regarding your request for information. In relation to Callaghan Square, Cardiff, you have asked how much money has the Welsh Government spent on the site since its acquisition in 2012 (including professional fees). You have also requested a breakdown of those costs and confirmation that the site was bought for £7.2million.

I confirm that we hold the information captured by your request and that the figure quoted is correct net of VAT. However, I have concluded that the remainder of your request is exempt from disclosure under section 43(2), Commercial Interests, of the Freedom of Information Act 2000 (FOIA). Full reasoning for applying this exemption is provided at Annex 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.

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.

Business Solutions Delivery Lead

ATISN 10911 – Application for Exemption**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 and that the release of the information would 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 purchase price for the land in question is publically available. If any further spending information by the Welsh Government was released in the public domain, it would prejudice our negotiating and bargaining position with potential buyers of the site in the future. This is because interested parties could add the original purchase sum with any further figures released to seek to gain a greater negotiating advantage. All of this is current and commercially sensitive information and I am satisfied that if this was released into the public domain it would be likely to have a detrimental impact on sale values and prejudice the commercial interests of the Welsh Government.

Whilst this information would be of interest to potential buyers, I do not believe that facilitating this type of financial competitive advantage to potential purchasers would be in the wider public interest. 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 this 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.