



Ein cyf/Our ref ATISN 11082

28 February 2017

Dear ,

Request for Information – ATISN 11082

I wrote to you on 2 February regarding your request for information. You asked for a copy of the Welsh Government Single Investment Fund Grant agreement which was offered to Excelsior Technologies (Non-Wovens) Limited on 9 June 2010. You also asked:

- whether under the grant any other company, other than Excelsior Technologies (Non-Wovens) Limited, has any liability to repay any sum and if so, in what circumstances;
- whether under the grant, it is possible for another company (under common ownership at the time) to give a guarantee in any way as regards to any part of the grant and whether a guarantee was given in regards to Excelsior Technologies (Non-Wovens) Limited;
- has post completion monitoring requirements been observed by the company and if not, what is the penalty for non-compliance.

I can confirm that we hold information relating to your request. However I have concluded that the copy of the Welsh Government Single Investment Fund Grant agreement offered to Excelsior Technologies (Non-Wovens) Limited is exempt from disclosure under section 29(1)(b), Economic Interests, of the Freedom of Information Act 2000 (FOIA). Full reasoning for applying this exemption is provided at Annex A.

- Under the specific terms of this offer of financial support, there are no other companies other than Excelsior Technologies (Non-Wovens) that are liable.
- Under the qualifying criteria of the Single Investment Fund, it was possible for another company (under common ownership at the time) to give a guarantee. No such guarantee was given in regards to Excelsior Technologies (Non-Wovens) Limited.



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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.

- The Post Completion Monitoring conditions have not been observed by Excelsior Technologies (Non-Wovens) Limited. In these circumstances where the Post Completion Monitoring requirements have not been observed, the Welsh Government is seeking to recover grant monies previously released.

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

ANNEX A

ATISN 101082 – Application for Exemption

Section 29(1)(b) – Economic Interests

This states:

29 (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(b) the financial interests of any administration in the United Kingdom, as defined by section 28(2).

Decisions relating to non-disclosure have been taken with due consideration of the exemption identified under Section 29(1)(b) of the Freedom of Information Act 2000 (FoIA). This is a qualified (public interest tested) exemption and 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.

The Welsh Government recognises its responsibility to ensure that it invests wisely on behalf of the people of Wales. Every company seeking funding is subjected to a rigorous assessment process. Different companies have different levels of economic impact and funding is therefore dependant on this and other factors such as delivery of impacts for employment, capital investment, research and design etc., which in turn help to create an environment which stimulates and assists new enterprise and growth.

If the Welsh Government Single Investment Fund Grant agreement which was offered to Excelsior Technologies (Non-Wovens) Limited was released in the public domain, it would prejudice our negotiating and bargaining position with companies. Disclosing the funding amount and the conditions required would be likely to create a level of expectation by other companies in believing that they would be entitled to an equal or similar amount of funding. This would be likely to prejudice any future negotiations between the Welsh Government and other companies as each investment opportunity is different and each application is based on merit. The grant agreement reveals thresholds and criteria that the Welsh Government expect to be met when considering funding for a company. If other companies were to see the agreement they would be able to tailor their applications for funding in line with an already existing agreement which would be to the detriment of the financial interests of the Welsh Government. This process is designed to be open and fair with decisions being based on honesty and integrity from all parties. It would be to the detriment of the reputation and financial interests of the Welsh Government and not in the public interest to jeopardise this process by the disclosure of such information.

Each agreement is unique to the company applying for funding and whilst the information would be of interest to other companies I do not believe there is any pressing public interest in the release of this information. I do not believe it is in the wider public interest to prejudice the financial interests of the Welsh Government and our efforts to obtain value for money in future negotiations using the public purse.

Additionally, if other companies believe that the Welsh Government would disclose commercially sensitive information into the public domain then they would be less likely to

want to do business with us. This would mean a loss of investment into Wales which would be to the detriment of future economic growth and job creation opportunities, which in turn, would prejudice the financial interests of the Welsh Government.

I am satisfied, therefore, that releasing the information would be likely to prejudice financial interests as defined by this exemption. I do not believe there is any pressing public interest in the release of this information. I do not believe it is in the wider public interest to prejudice the financial interests of the Welsh Government and our efforts to obtain value for money in future negotiations using the public purse.