



Ein cyf/Our ref ATISN 11154

30 March 2017

Dear ,

Request for Information – ATISN 11154

I wrote to you on 13 March regarding your request for information. You asked what financial support the Welsh Government has provided to Aston Martin to facilitate its plan to build cars at St Athan in Wales including:

- details of the specific elements of support and any conditions
- details and cost of any transport upgrades
- details of support offered under the enterprise zone
- details of any future support that the Welsh Government offered to Aston Martin as part of the St Athan project.

I can confirm that we hold some information relating to your request. However, I have concluded that the information requested regarding financial support and any conditions 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.

We don't hold any information relating to transport upgrades or enterprise zone support.

Please note under the EU GBER transparency requirements, the Welsh Government is required to publish details of any individual accepted offers of support over €500k . The information is uploaded onto the EU data base on a 6 monthly basis -

<http://ec.europa.eu/transparencyregister/public/homePage.do>

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



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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.

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 11154 - 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 process and negotiations with Aston Martin is ongoing therefore the Welsh Government has to consider whether the companies' commercial interests would be prejudiced by the disclosure of this information. If the information requested relating to financial support and conditions were to be disclosed at this time it would have a detrimental impact upon the company's stakeholders (including shareholders, potential shareholders and clients) and would prejudice its commercial interests should the information associated to this matter be disclosed.

The agreed financial support to Aston Martin is based on qualifying spend and must be justified subject to European Commission rules. Releasing the information would provide the company's competitors with an indication of the company's funding position which in turn would be likely to prejudice its ability to further capitalise its business. Release of the information would also allow potential competitors access to a level of detail that they otherwise wouldn't have so as to enable them to obtain a commercial advantage. Aston Martin is a private company that is currently undergoing a complex and sensitive equity raising process, the funding agreed with Welsh Government is part of this process and if we were to disclose the information it would place the company 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. This would also be the case if information about any current or future funding plans was released. We are continuing to assess possible future support in an ongoing and potentially long-term relationship between Wales and Aston Martin and the creation of 750 jobs in Wales. 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 disclosure of commercially sensitive information. Jeopardising this investment by the release of sensitive commercial information would not be in the public interest.

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 do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. I believe that the balance of the public interest therefore falls in favour of withholding the information for this exemption.