



Ein cyf/Our ref ATISN 11310

20 June 2017

Dear ,

Request for Information – ATISN 11310

I wrote to you on 1 June regarding your request for information. You asked for a copy of Surf Snowdonia's business plan and the amount of Visit Wales state aid investment awarded to the company.

I confirm we hold the information captured by your request. Surf Snowdonia have been awarded £2.8 million in state aid funding.(£1.5m for project capital expenditure and £1.3 for land reclamation work.) I have concluded that a copy of the business plan is exempt from disclosure under Section 43, Commercial Interests, of the Freedom of Information Act, 2000. Full reasoning for applying this exemption can be seen 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.

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.



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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 11311 - 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

I recognise the general public interest in openness and transparency. 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.

Surf Snowdonia is the world's first attraction and experience of this kind. Being the first means that they took that risk and built the company from the ground up. To freely disclose the business plan would give any competitors a distinct commercial advantage and stepping stone which would be likely to put their own business at risk and therefore prejudice the company's ability to engage in future commercial activities.

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, I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. 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 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 the business plan for Surf Snowdonia.