



Ein cyf/Our ref ATISN 11321

Llywodraeth Cymru
Welsh Government

29 June 2017

Dear ,

Request for Information – ATISN 11321

I wrote to you on 6 June regarding your request for information. In your clarified request you have asked for a copy of all correspondence between Welsh Government and Pembrokeshire County Council (PCC) concerning the South Quay, Pembroke, the third phase of the Pembroke Castle Pond Regeneration Scheme between the dates 12th June 2012 and 23rd May 2017.

Under ATISN 10575 you were provided with copies of documentation relating to the Agreement issued prior to 31 March 2015 and further copies are not enclosed. I can confirm that information captured by your request post the above date is enclosed. Within that captured correspondence I have concluded that an opinion of current value for a property which PCC is actively marketing 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.

Please note that in the spreadsheet entitled 'South Quay Valuations', which is captured in the correspondence dated 8 February 2017, the asset value information are not current open market valuations. Also, within the captured correspondence, names and personal details have been redacted as they have not been deemed relevant to the request.

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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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 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.

The release of information relating to the Council's expectations of capital receipts, given that the properties are currently on the market for disposal, would inevitably have a detrimental effect on the current disposal activity and potential regeneration of the locality. I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

The financial information contained within the correspondence is confidential to PCC and not otherwise publically available. Release of the commercially sensitive information within it would be likely to prejudice PCC's interests in this regard by not getting the best possible deal as potential bidders/investors would have access to a level of detail that they otherwise wouldn't have so as to enable them to obtain a commercial advantage. This would also place PCC at a commercial disadvantage in future by prejudicing their ability to engage in commercial activities when it comes to the disposal of any further properties.

It is clearly not in the public interest for the Council to provide such figures. Therefore, the figure referred to in the email of 23rd February from PCC to Welsh Government has been redacted.

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 current value for a property which PCC is actively marketing.