Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ATISN 11468

11 September 2017

Dear ,

Request for Information – ATISN 11468

I wrote to you on 14 August regarding your request for information. You asked for information regarding:

1. Loans and grants awarded to TVR Manufacturing Ltd.
2. Loans and grants awarded to TVR Automotive Ltd.

I confirm we hold some information captured by your request.

In the first instance, I can advise that neither of the above companies have been awarded any grants by Welsh Government and no loans have been granted to TVR Manufacturing Ltd.

I confirm that TVR Automotive was awarded a loan; however, I have concluded that information regarding this loan 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.

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.

E&I FOI Team
Welsh Government
Treforest – QED Centre
Main Avenue
Treforest Industrial Estate
Ponty pridd
CF37 5YR

EconomyandInfrastructureFOI@wales.gsi.gov.uk

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 11468 - 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 information we hold regarding the loan is commercially sensitive to TVR Automotive Ltd. Its disclosure would be likely to cause the company a commercial disadvantage when completing its proposed current investment into the company as it would make available information to prospective lenders and investors at a level of detail they otherwise wouldn't have. This would likely prejudice the company in completing its current funding round and would therefore adversely affect the commercial position of its business

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 and its release into the public domain would be likely to have a direct impact on their current commercial transaction.

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 also accept that this information would likely be of interest to the company's competitors. On balance, however, I do not believe there is any wider pressing public interest in the release of this information.

In conclusion, I believe that the balance of the public interest falls in favour of withholding this information.