



20 October 2017

Dear ,

Request for Information – ATISN 11584

I wrote to you on 29 September regarding your request for information. In relation to the Automotive Technology Park, you asked for:

1. Any documents, including reports and any expert advice, on the viability and feasibility of the Auto Technology Park in Blaenau Gwent.
2. The master planning for the park;
3. The due diligence report for the 100 million pounds of public sector investment on the park.

I can confirm that we hold some information relating to your request. However we do not hold a due diligence report, as requested under question 3. Rather the £100 million pounds refers to a portfolio of prospective complementary projects each of which will be required to align with the strategic vision and be evaluated on their own merits.

On considering the information we do hold that is caught by this request, it is regarded as falling within the definition of 'environmental' information as set out under Regulation 2(1) of the Environmental Information Regulations 2000 (EIRs). As environmental information is exempt from release under the Freedom of Information Act by virtue of section 39 of that Act, the request has been handled under the EIRs.

I have concluded that the information we hold is exempt from disclosure under Reg(4)(e) of the EIRs. Full reasoning for applying this exception 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:



BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

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

[EconomyandInfrastructureFOI@
gov.wales](mailto:EconomyandInfrastructureFOI@gov.wales)
www.gov.wales

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

This Annex sets out the reasons for the engagement of regulation 12(4)(e) - Internal communications of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

Regulation 12(4)(e) states that a public authority may refuse to disclose information to the extent that—

(e) the request involves the disclosure of internal communications.

Guidance from the Information Commissioner has confirmed that this exception is drafted broadly and is a class based exception which covers *all* internal communications, not just those that are sensitive or actually reflect internal thinking. The concept of 'internal communications' covers a wide range of information and includes any information intended to be communicated to others or saved in a file where it may be consulted by others. I can confirm that the information held by the Welsh Government which is captured by your request amounts to internal communications.

Regulation 12(4)(e) is a qualified (public interest tested) exception. Even if the exception is engaged, public authorities must go on to apply the public interest test set out in regulation 12(1)(b). A public authority can only withhold the information if the public interest in maintaining the exception outweighs the public interest in disclosing the information. Because of this, consideration has been given to the effects of disclosure to the world at large rather than any personal interest you may have in being provided with the information.

The Welsh Government acknowledges the presumption in favour of disclosure under Regulation 12(2) and we acknowledge 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 on behalf of the people of Wales.

However, the information in question relates to a range of advice by officials, based on internal expertise and external assessments, regarding a portfolio of economic development interventions that together support the strategy for a technology park in the Ebbw Vale area.

It is important for good governance that officials are able to fully engage with each other and Ministers and provide advice away from the public gaze and that there should be no disincentive in doing so. If officials believed their advice or freely exchanged views would be made public, it is likely to inhibit the future provision of advice and exchange of views, leading to less rigorous and in-depth exploration of options and impairment of the quality of decision making. Unless officials are able to provide options and advice surrounding the possible offer of support to any company, the effectiveness of the possible support that could be offered and the process of reaching such a decision would be undermined. This would not be in the public interest.

The Welsh Government believes the public interest in this project is satisfied by the amount of information already in the public domain or which will be published in the next few weeks. For example, the Welsh Government has released a lot of information in response to Written Assembly Questions (WAQ's). You can search for responses to these WAQs by entering the search term "Automotive Technology Business Park" (or other suitable term) using the search function on the National Assembly for Wales website at [http://www.assembly.wales/en/bus-home/Pages/Plenary.aspx?assembly=5&category=Written%20Question&keyword="Circuit%20of%20Wales"](http://www.assembly.wales/en/bus-home/Pages/Plenary.aspx?assembly=5&category=Written%20Question&keyword=). In addition, the Welsh Government intends to publish a Vision for the Park in due course on the Welsh Government website.

In this regard, the Welsh Government believes the balance of public interest to withhold the information outweighs the public interest to release it for the reasons outlined above. The information has therefore been withheld under Regulation 12(4)(e) of the EIRs.