



1 November 2017

Dear ,

Request for Information – ATISN 11608

I wrote to you on 12 October regarding your request for information. You asked for:

1. A list of the studios that were used in each production listed in reply to WAQ74054
2. When did Pinewood Pictures acquire its advisory role in the distribution of the Welsh Government's £30 million Media Investment Budget (MIB), and via what procurement process?
3. How has the Welsh Government ensured that Pinewood Pictures avoids conflict of interests when recommending its own productions for assistance, since in 2015/16, Pinewood received a £600,000 grant towards 'The Collection'?
4. Who else, apart from Pinewood Pictures, is responsible for advising the Welsh Government on its decisions to give grants/loans to production companies who apply for support?
5. If Pinewood is supported by a panel, how was that panel chosen?
6. How many productions has Welsh Government supported that are not only made in Wales, but set in Wales, and Wales-themed?
7. In relation to Ffilm Cymru, how does the Welsh Government satisfy itself that; a) that there is no duplication of resource; and b) that there is no conflict of interest whereby members of the Ffilm Cymru board do not benefit directly or indirectly from the choice of films put forward by Pinewood for Welsh Government consideration for support from the media investment budget/Wales Screen Fund?
8. Is it the case that the media investment budget is broken down into different budgets for different policy aims and if so, please clarify the division of resources and whether the same individuals within Pinewoods Pictures are responsible for making recommendations in all these 'sub-categories'?



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9. What is the connection between the media investment budget and the Wales Screen Fund (WSF)
10. Can applications to the media investment budget only be made through Pinewood Pictures, as stated on its website?
11. In relation to WAQ74158, what policy has the Welsh Government put in place to avoid an anti-competitive conflict of interest, whereby Pinewood might put forward projects which favour the use of Pinewood Studios as its "Welsh element"?
12. In relation to WAQ74158, what policy has Welsh Government seen to avoid an anti-competitive conflict of interest, whereby Pinewood might: a) use its position to recommend itself as the best body to structure a deal, thereby securing a fee; and b) put forward projects from which Pinewood itself secures most benefit in fees or paid positions?
13. Please explain the difference in the number of applications submitted to the Wales Screen Fund provided in the answers to WAQ74098 and WAQ74054 and provide a list of the applications – including from companies who had applied for discretionary development funding – which went for Welsh Government consideration and were turned down?
14. Please explain the difference in the number of applications submitted to the Wales Screen Fund provided in the answers to WAQ74098 and WAQ74054 and provide a list of the applications – including from companies who had applied for discretionary development funding – which were turned down by Pinewood Pictures?

The Freedom of Information Act (FoI) provides a right to ask for recorded information held at the time a request is made. It does not require an authority such as the Welsh Government to provide views or opinions where those views are not already recorded. This is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information', page 7:

"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."

On that basis, although you have submitted the above questions for response under the Freedom of Information Act 2000 (FoIA), the Act does not oblige us to provide explanations, as requested in many of your questions above, except insofar as such information is held in recorded form at the time the request was made.

Where you have asked for recorded information, I have concluded it is exempt from disclosure under Section 22 of the FoIA, information intended for future publication. Full reasoning for applying this exemption is appended 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.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Section 22 – Information Intended for Future Publication

Section 22 states that *Information is exempt information if –*

- a) The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)*
- b) The information was already held with a view to such publication at the time the request for information was made, and*
- c) It is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph a).*

I am of the opinion that subsections (a) and (b) above are met because the information is held with a view to its publication. This information will be published on the National Assembly for Wales website.

With regards to part (c), I have given consideration as to whether it would be 'reasonable in all the circumstances' that the information should be withheld from disclosure until the proposed publication date. I am of the opinion that releasing the information at this time would cause disruption to the Welsh Government's intentions in relation to its publication arrangements. Thus I am content that the exemption is engaged.

Section 22 is a public interest exemption. This means that, in order to withhold information, I must show that the public interest in withholding is greater than the public interest in releasing it.

In terms of the public interest, it is recognised that there is public interest in there being openness and transparency within Government.

The information you have requested has also been submitted as Written Assembly Questions, and an interim response has been published on the National Assembly for Wales website, at <http://www.assembly.wales/en/bus-home/pages/plenaryitem.aspx?category=written%20question&itemid=3488&>.

The Welsh Government has committed to publishing a full response to the Written Assembly Questions. Arrangements for processing those responses and their subsequent publication are already underway, in the normal course of business. An accelerated release of the information, without it going through the necessary approvals process, might result in inaccurate, unchecked information being disclosed prematurely, misleading the public.

To that end, I do not think it is reasonable in all the circumstances or in the public interest to release this information prematurely. Rather, I believe the public interest would be best served if the information were released as scheduled on the National Assembly for Wales website. I am satisfied therefore that the balance of the public interest falls in favour of withholding the information.