



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ATISN 11804

20 December 2017

Dear ,

Request for Information – ATISN 11804

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

1. A copy of the new management agreement for the Wentloog Studio facility as referenced at <http://gov.wales/about/cabinet/decisions/2017/oct2dec/business/ks3841/?lang=en>.
2. All correspondence between the Welsh Government and Pinewood between 1 June 2017 and 30 November 2017.
3. All correspondence between the Welsh Government and Bad Wolf between 1 January 2017 and 31 August 2017.
4. Is Pinewood still a tenant of the Welsh Government at the Wentloog Studio?
5. Is Pinewood paying rent to the Welsh Government for the use of the Wentloog Studio?

I confirm we hold information caught by your request. In relation to the management agreement, I have concluded that it is exempt from disclosure under Section 43 of the Freedom of Information Act 2000 prejudice to commercial interests. Full reasoning is provided at Annex A to this letter.

In my letter of 12 December I explained that dealing with the second and third parts of your request would likely be very time consuming to deal with. The information has been stored by different Departments and Divisions relevant to areas such as business support, property matters, the studio facility and the media investment



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budget amongst others, all of whom will have been liaising with both Pinewood and Bad Wolf over the periods you have specified.

The correspondence will be stored on our electronic record management system, iShare, within Outlook accounts for individual officials and also our Business Account System (a business support database). Section 7 of our Information and Records Management policy, <http://gov.wales/about/foi/policies/recordsmanagement/?lang=en>, explains that our records are stored on an Electronic Document and Records Management System (EDRMS), known as iShare. iShare is the corporate repository for the majority of information created and received by Welsh Government Officials in the course of their duties that must be retained for business or historical purposes.

Documents are saved on iShare using naming conventions appropriate to the effective recording of information for our own purposes. Setting our systems in this way, and in line with our Records Management policy, enables effective delivery and will not necessarily lend themselves to being easily interrogated for generic requests for information. Where the Welsh Government believes providing such information would involve tasks that would be time consuming to deal with, in line with our obligations under the section 45 Code of Practice, we inform the requester of that fact and invite them to narrow down or re-focus their requests.

A general iShare search for the periods you have specified, using separate search terms of 'Pinewood' and 'Bad Wolf' yielded over 3,000 results. At an average estimate of one minute per result to check whether it is relevant to your request and then extracting the relevant information, would take one official at least two working days. Given Outlook accounts and our Business Account System would also need to be searched for information which may not yet have been stored on i-share, the work would extend beyond that timeframe.

Having considered the above, I have concluded that it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to deal with parts two and three of your request. I have therefore decided to refuse those parts under Section 12 of the FoIA as to comply with it would exceed the appropriate limit.

In terms of parts 4 and 5 of your request, I can confirm that Pinewood is neither paying rent nor is it now a tenant of the Welsh Government at the Wentloog Studio.

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@gov.wales. 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

ATISN 11804 – Application for Exemption

Section 43 (2) – Commercial Interests

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.

The management agreement for the Wentloog Studio, as requested under the first part of your request, contains the commercial terms upon which the Pinewood Studios Group agrees to offer studio management services to its customers on behalf of the Welsh Government. These terms are commercially sensitive to Pinewood .

Public Interest Test

I recognise the general public interest in openness and transparency and releasing all of the information would help the public gain a better understanding of the decisions made by Government. 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.

As explained above, the management agreement contains commercially sensitive information. To disclose this information would mean disclosing the terms upon which Pinewood has agreed to offer studio management services on behalf of the Welsh Government. Its release would be likely to prejudice the company's dealings with its customers as it would provide them with details of the terms agreed with the Welsh Government and thus disclose its negotiating hand when subsequently agreeing terms with its customers. It would also provide its competitors with detailed commercial information which they would not otherwise have access to.

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 management agreement.