Adran yr Economi a Thrafnidiaeth
Department for Economy and Transport

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ATISN 11960

19 January 2018

Dear ,

Request for Information – ATISN 11960

I wrote to you regarding your request for information on 29 January. You have asked for a copy of all correspondence relating to the grant appointed to TUI in Swansea by the Welsh Government as detailed in the following - http://gov.wales/newsroom/businessandeconomy/2018/180117-tui-to-create-175-jobs-in-swansea-with-wg-assistance/?lang=en.

You also requested:

1. the date that the grant application was received
2. the date the grant was approved
3. the reasons given by TUI as to why it was essential to obtain government support

I can confirm that we hold information relating to your request. With regards to questions 1-3, the grant application was received on ?? August and approved on ?? October. The reasoning for obtaining government support is because TUI has a growth strategy which will result in the full time employment within Contact Centres needing to increase over the coming couple of years. They believe strategically that an onshore solution is better for TUI and their customers rather than an offshore solution therefore the growth strategy would increase the TUI headcount based in Swansea. Luton head office site is deemed unsuitable to situate a contact centre as it is seen as a stepping stone within the local labour market into other careers in TUI and therefore attrition rates in the Luton Contact Centre are high, and also there are significant space constraints / challenges within the Head Office building.

We hold the following correspondence relating to the grant –

1. Email correspondence leading up to the application covering the business case for grant.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

2. Application form
3. Business Plan
4. Financial Statements (enclosed)
5. Travelling draft lease document (enclosed)
6. Evidence to support business case
7. Correspondence relating to the appraisal of the grant.
8. Offer Letter and acceptance.

I have concluded that (apart from points 4 and 5 above) the remaining information 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.

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

ANNEX A

ATISN 11960 – 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), commercial interests, of the Freedom of Information Act 2000 (FOIA).

Section 43 is a qualified (public interest tested) exemptions. This means that in order to engage it, the Welsh Government must show that the public interest in withholding the information is greater than the public interest in releasing it. Consideration has therefore been given 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, the wider effects of disclosure have been considered rather than any personal interest you may have in being provided with the information.

Section 43(2) – commercial interests

This exemption states:

(*2*) *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).*

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.

Regarding the information relating to the grant and associated documents identified, to reveal the information captured would prejudice the company's commercial interests should the information associated with this matter be disclosed at this point in time.

The requested information would reveal commercially sensitive information which, if disclosed would prejudice the company's service offering and financial strategy. Placing this information into the public domain would likely put the company at a serious commercial disadvantage in a very competitive market. While this information would be of interest to the company's competitors, we do not believe it would be of sufficient interest to the wider public and would compromise the commercial interests of the business.

Whilst 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 believe the priority in this instance is ensuring the commercial interests of the company.

There exists a public interest in ensuring that private companies such as this, which aim to create a significant amount of new jobs for the people of Wales, can do so in the knowledge that its efforts will not be prejudiced by the untimely disclosure of commercially sensitive information. I am aware that as a general rule, the sensitivity of information is likely to reduce over time, so that the age of the 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. I

believe that the balance of the public interest therefore falls in favour of withholding the information.