

16/01/2020

Dear ,

ATISN 13639

Thank you for your request which I received on 11/12/2019 about a copy of the winning bidder's tender submission.

I have decided that the information described in the enclosed list is exempt from disclosure under section(s) 43(2) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full 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 Email: Freedom.ofinformation@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

Annex A

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
A copy of the winning bidder's tender submission	Section 43(2) of the Freedom of Information Act (FOIA) sets out an exemption in relation to Commercial Interests. We have concluded that, in this instance, this information is exempt to avoid prejudice of the commercial position of an organisation as doing so would provide an unfair advantage to competitors in both the immediate and longer-term.

This Annex sets out the reasons for the engagement of section(s) 43(2) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of section 43(2) Commercial Interests of the Freedom of Information Act

The Welsh Government believes that a copy of the winning bidder's tender submission should be exempt from disclosure to avoid prejudice of the commercial position of an organisation as doing so would provide an unfair advantage to competitors in both the immediate and longer-term.

Public Interest Test

In order to satisfy the public interest test in relation to the exemption(s), it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

Public interest arguments in favour of disclosure

None

Public interest arguments in favour of withholding

The Welsh Government believes that a copy of the winning bidder's tender submission should be exempt from disclosure to avoid prejudice of the commercial position of the organisation, as doing so would provide an unfair advantage to competitors in both the immediate and longer-term.

Balance of public interest test

The balance of public interest lies in favour of withholding the information, we have therefore decided to withhold the information requested.