

8 November 2024

Dear

Request for Information - ATISN 22011

Further to our response of 27 September to your request for information (reference ATISN 20893), thank you for your revised request for information which I received on 11 October. You have asked for the following information relating to Cardiff Airport:

- All correspondence from 1 June 2023 relating to the planned resumption of Qatar Airways flights from Cardiff to Doha from 18 December 2023.

Based on your previous clarification that it is not necessary for all parties to have been involved in the correspondence; only that the discussion subject was related to the resumption of Qatar Airways flights from Cardiff Airport, we have understood the definition of correspondence to be emails and letters and that your request is for copies of correspondence between:

- Welsh Government (Ministers and/or Civil Servants) and Cardiff Airport;
- Welsh Government (Ministers and/or Civil Servants) and Qatar Airways;
- and
- Cardiff Airport and Qatar Airways.

Our response

The Freedom of Information Act (FOIA) provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations. We have decided to withhold the information which falls within the scope of your request based on our understanding of your request, and have set out in **Annex A** the relevant exemption under the FOIA we believe is applicable and why we believe the information should not be disclosed. This includes our consideration of the public interest test.

Next steps

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.

The request you sent me contains personal information about you - for example, your name and email address. The Welsh Government will be the data processor for this information and, in accordance with the General Data Protection Regulation, it will be processed in order to fulfil our public task and meet our legal obligations under the Act to provide you with a response. We will only use this personal information to deal with your request and any matters which arise as a result of it. We will keep your personal information and all other information relating to your request for three years from the date on which your request is finally closed. Your personal information will then be disposed of securely.

Under data protection legislation, you have the right:

- to be informed of the personal data we hold about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further information about the information which the Welsh Government holds and its use, or if you wish to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

Email: DataProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:
Wycliffe House

Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk

Any information released under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 will be listed in the Welsh Government's Disclosure Log (at <https://gov.wales/about/open-government/freedom-of-information/responses/?lang=en>).

Yours sincerely

Annex A

The FOIA provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

We have decided to withhold information in line with the below exemptions under the FOIA.

All correspondence from 1 June 2023 relating to the planned resumption of Qatar Airways flights from Cardiff to Doha from 18 December 2023	Section 43(2) – Commercial interests
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This annex sets out the reasons for the engagement of these sections of the FOIA and our subsequent consideration of the Public Interest test.

Section 43(2) – commercial interests

Section 43(2) covers any information that if disclosed that would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Cardiff Airport is a wholly owned subsidiary of the Welsh Government, operated at an arms-length as a private limited company. It operates in an independent and commercial manner, and is liable for its own actions and any issues arising from the running of its business. The routes at Cardiff Airport are operated by the airlines on a commercial basis; any decision to suspend, change, remove or introduce new routes and services is made at the commercial discretion of the operator. Ministers do not intervene in the airport's day-to-day commercial operating matters.

The information requested contains financial and commercial information which, should it be disclosed, would be likely to prejudice Cardiff Airport, Qatar Airways and other airlines engaged in commercial discussions with Cardiff Airport. To reveal the information would be likely to prejudice their commercial interests should the information associated with this matter be disclosed. The information would reveal commercially sensitive information not otherwise publicly available and which, if disclosed would be likely to prejudice the companies' service offerings and future strategies.

Disclosing the information would give any competitors a distinct commercial advantage and stepping stone which would be likely to put the companies' own business at risk and therefore prejudice their ability to engage in future commercial activities. We do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

Public interest arguments in favour of release

We understand that the introduction of new, the reinstatement of previous, and changes to existing, air services at Cardiff Airport is of interest to the general public, particularly as the airport is wholly owned by the Welsh Government. We are also aware of additional interest in the airport and the services it offers following the Written Statements issued by Ministers in July (<https://www.gov.wales/written-statement-cardiff-wales-airport-long-term-strategy>) and October 2024 (<https://www.gov.wales/written-statement-competition-markets-authority-assessment-welsh-governments-proposed-long-term>).

Public interest arguments in favour of withholding

We take the view that Section 43(2) is intended to ensure that information is not disclosed that would be likely to prejudice the commercial interests of any person (including the public authority holding it).

To freely disclose the information would give any competitors to Cardiff Airport and Qatar Airways a distinct commercial advantage and stepping stone which would be likely to put their business at risk and therefore prejudice the companies' ability to engage in future commercial activities. Other airports and airlines do not have access to this commercially confidential information on their competitors as they do not publish it, so would be at a significant disadvantage. We believe the resultant harm should this information be released, would be substantial.

The information contains operational plans, financial workings and supporting analysis, which if disclosed, would enable commercial rivals to gain a commercial advantage over the companies and would prejudice the firms' commercial or legitimate economic interests. I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. I further do not believe there is a public interest in prejudicing the commercial interests of the companies by the release of this information.

I am aware that, as a general rule, the sensitivity of some information may be likely to reduce over time; therefore the age of the information, or timing of the request, may be relevant in determining whether to apply an exemption, or where the public interest may lie. In this case, however, the information captured is very much current information. I believe therefore that the balance of the public interest falls in favour of withholding the information.

Conclusion

We believe that it is within the wider public and commercial interest of the Welsh Government, Cardiff Airport, Qatar Airways and other companies engaged with Cardiff Airport and Qatar Airways to withhold the information related to this request in order to prevent putting Cardiff Airport and associated businesses at an unfair competitive disadvantage. Furthermore, it is vital that the Welsh Government is not appearing to unduly influence or prejudice the arms-length commercial operations of Cardiff Airport, or Qatar Airways or any other airline. We take the view that, on balance, this public interest has been satisfied and the information requested has been withheld under Section 43(2) of the Act for the reasons set out above.