



Llywodraeth Cymru
Welsh Government

28 April 2021

Dear

ATISN 15101 – Velindre Cancer Centre

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 27 April. You requested information regarding the Outline Business Case (OBC) as follows:

A copy of the outline business cases for the new Velindre Cancer Centre and its enabling works.

Our Response

Outline Business Case – a copy of the redacted versions of the OBC for the new Velindre Cancer Centre and its associated enabling works have been published by Velindre as part of the journey timeline.

<https://velindre.nhs.wales/transformingcancerservices/the-journey-from-start-to-finish/>

There is a range of information in the business case which is commercially sensitive given the procurement exercise to be followed. As such, redacted versions of the Strategic and Economic Cases are included at this point, the commercial, financial and management cases are not available at this stage due the highly commercial process.

Next Steps

The request you sent me contains personal information about you - for example, your name and 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

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
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,

Engagement of Section 43(2) and Section 29(1)(b)

Section 43(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).

Section 29(1)(b) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the financial interests of any administration in the United Kingdom, as defined by section 28(2).

Officials have carefully considered all of the information captured by this request and consider that the information in question should be exempt under Section 43(2) and Section 29(1) of the Freedom of Information Act.

Both Section 43(2) and Section 29(1) are public interest exemption. This means that in order to withhold information under its provisions, it has to be shown that the public interest in withholding the information outweighs that in releasing it.

Public interest arguments in favour of release

Release of this information would promote transparency of the content of the outline business case, its rationale, benefits, costs, risks and timescales. This would contribute to increase public understanding and accountability in this area.

Public interest arguments in favour of withholding

Section 29(1)(b)

Technical documentation relating to the Outline Business Case inform a procurement process via competitive dialogue and as such are commercially sensitive. The release of commercially sensitive information will not only harm the procurement process but also prejudice the financial interests of the project and Welsh Government as funding body.

Section 43(2)

Technical information in support of the Outline Business Case forms part of key information used in the procurement process. The information contained therefore, should not be made public as it contain details about procurement approach and technical aspects which could prejudice competitive dialogue process. As a result, the commercial and financial interests of the Welsh Government as project sponsor and funder will be prejudiced by such disclosure.

Conclusion

Releasing sensitive technical information when a procurement process is to take place would place the Welsh Government as funder and sponsor and Velindre procuring authority in a difficult position. If any technical sensitive information was released at this stage of the process could impact on the procurement and potentially be subject to challenge if any form of unfair advantage is perceived. This may cause potential harm to existing relationships and the successful delivery of the scheme.

Whilst recognising that there are public interest arguments for disclosure all correspondence with relates to the Outline Business Case, I consider that the public interest in withholding the information outweighs that in releasing it in this instance.