



Llywodraeth Cymru
Welsh Government

ATISN 15147

9 July 2021

Dear

ATISN 15147 – North Wales Medical School

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 19 May. You requested the following -

A copy of a report associated with the establishment of a health and medicine school in North Wales as referenced by the ex-Health Minister Vaughan Gething MS within a written statement dated 26 September 2020.

Our Response

Welsh Government holds this information. However, it is being withheld under the following FOIA exemptions:

Section 22(1) - provides an exemption for information that is intended to be published in the future.

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).

An explanation for the use of these exemptions is provided at **Annex 1**.

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.

Yours sincerely,

Annex 1

Engagement of Section 43(2) and Section 22 (1)

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 22 provides an exemption for information that is intended to be published in the future.

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 22 (1) of the Freedom of Information Act.

Both Section 43(2) and Section 22 (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

The Welsh Government recognises there is public interest in ensuring that the provision of health services in Wales are fit for purpose. Additionally, we recognise the general presumption of openness that the FOIA aspires to.

The Welsh Government therefore, has endeavoured to ensure we are as transparent as possible, in particular through the media, publication of documents, Ministerial Written Statements and public statements in the Senedd along with ministerial press conferences and interviews. We recognise that transparency and openness improves public trust, leading to greater understanding between Governmental organisations and citizens.

Public interest arguments in favour of withholding

Section 22(1)

Bangor University have notified Welsh Government of their intention to release the requested information in the near future. Disclosure of this information before the publication date may compromise trust between Welsh Government and Bangor University.

Section 43(2)

We recognise our responsibility under the Freedom of Information Act, and the need for transparency. However, this must be balanced against the public interest in allowing the organisation to protect its commercial information and not place itself at a disadvantage in the competitive market in which it operates. The University operates in a competitive, global market, in which the recruitment of students is directly linked to income. The disclosure of some teaching material may therefore place the University at a commercial disadvantage as competing institutions can make use of these resources to attract more students or reduce the cost of developing courses.

Conclusion

On the basis of the above, we conclude that on balance the public interest arguments are in favour of withholding the report at this time.