



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ATISN 15765

18 January 2022

Dear

Request for Information – ATISN 15765

I wrote to you on 10 December regarding your requests for information.

Information Requested

1. How many people were stopped and checked to see if they had NHS Covid Passes during all of Wales' 2021 rugby autumn international matches at the Principality Stadium.
2. How many people were refused entry because they did not have or refused to get an NHS Covid pass.
3. All communication and correspondence between the Welsh Government and Welsh Rugby Union about the implementation and enforcement of COVID passes at Wales' recent autumn rugby internationals at the Principality Stadium.

Our Response

A copy of the information I have decided to release is enclosed.

I have decided that some of the information is exempt from disclosure under section 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 1 to this letter.



BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

Llywodraeth Cymru /
Welsh Government
Parc Cathays / Cathays Park
CF10 3NQ

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 .

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.of.information@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 – Reasons for Withholding Information

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
Commercial information contained within the correspondence.	Section 43(2) – Commercial Interests

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

Engagement of section 43(2) (Commercial Interests) of the FOIA

Section 43(2) of the FOIA reads “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)”

The Welsh Government considers that some of the information contained in the correspondence captured by this request is commercially sensitive information of the WRU, relating to matters of ticketing, stadium operations, and other issues the disclosure of which would be likely to cause commercial loss to the WRU, and that section 43(2) is engaged.

Section 43(2) of the FOIA is a public interest tested exemption, so I must now consider the balance of public interests.

Public Interest Test

Public Interest Arguments in Favour of Disclosure

There is a strong public interest in the accountability and openness of government. Moreover this request refers to Covid measures and to international public sporting events, which are matters of public interest and public concern. It is important that the public should be able to understand how government and organisations such as the WRU have interacted and worked together during the pandemic response.

Public Interest Arguments in Favour of Withholding

Information captured under the request for correspondence on the matter of COVID passes necessarily captures operational information that provides detailed information about how the WRU undertakes ticketing and other related operational matters, the disclosure of which would be likely to cause commercial loss owing to disclosure of operational matters the WRU have sought to keep confidential. Ticketing could be circumvented, operational decisions and matters of security would be undermined, and the associated reputational losses would also be expected to lead to commercial losses if such matters were disclosed into the public domain.

It is necessary for the effective operation of the stadium by WRU staff that information relating to these operations should not be placed in the public domain.

Balance of Public Interest Test

Although there is a strong public interest argument in favour of disclosure of information supplied by the WRU, it is nevertheless clear that some operational information is of higher value than other information and would be likely to cause more significant commercial loss.

The bulk of the information captured by this request is being released to you and into the public domain. Nevertheless some information would be likely to cause significant losses to the WRU, and it is not in the public interest that organisations should suffer commercial loss merely because they have agreed to work with Welsh Government to present sporting fixtures in a manner that is safe and responsible in a time of global pandemic.

As the matter of the request was particularly about the Covid passes, we also do not believe that there is an over-riding public interest in providing commercial information that is incidental to the Covid pass operations, but that reveals more general operational information, where the operational information would be expected to cause an organisation commercial loss.

This information is therefore being withheld.