

30 September 2022

Dear

Request for Information – ATISN 16624

Thank you for your request for information dated 2 September.

Information requested

1. How much money has been given to WWE?
2. What financial package was agreed with WWE in regards to the Clash at the Castle Event?

Our response

We consider the information requested relating to funding to be exempt from disclosure under Section 43(commercial interests) of the Freedom of Information Act 2000. Full reasoning for applying this exemption is given at Annex A to this letter.

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 A

ATISN 16624 – Consideration For and Against Disclosure of Information

Decisions relating to non-disclosure have been taken with due consideration of the exemption identified under Section 43(2), commercial interests, of the Freedom of Information Act 2000 (FOIA).

Section 43 is a qualified (public interest tested) exemption and in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it. I have therefore given consideration to the effects of disclosure of the information to the world at large, as the information is made available to anybody and everybody, not just the requestor. As such, when considering your request I have considered the wider effects of disclosure rather than any personal interest you may have in being provided with the information.

Section 43(2) – commercial interests

The exemption states:

(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).

The Welsh Government (WG) is of the view that revealing the information at this time would be likely to prejudice both our and WWE's commercial interests should it be disclosed at this point in time.

Releasing information relating to the funding and costs into the public domain would negatively affect WG's ability to negotiate with future event providers on a level playing field. The information would reveal commercially sensitive information not otherwise publicly available and which, if disclosed would be likely to prejudice our service offering and future strategy and development.

Equally, releasing information for any subsidies or funding to the WWE would negatively affect their ability to negotiate in future with other host markets and which, if disclosed would be likely to prejudice their service offering and future strategy and development.

Disclosing the information would give both parties a disadvantage in future dealings for any potential future events. It would place both parties at a distinct commercial advantage when negotiating and therefore prejudice the ability to engage in future commercial activities. It would also allow other potential event organisers/competitors and hosts an insight into the methodology and proprietary information of both parties pertaining to the amount of investment we would consider in attracting these events balanced against our estimate of their worth as a whole to Wales. The same can be said of the WWE, if the information relation to their funding was disclosed into the public domain then each host event would have a good idea of the amount they are willing to accept to bring an event to that venue/country. It would therefore give them a disadvantage when negotiating with these hosts and place them at a distinct commercial disadvantage.

By revealing this information which might otherwise not have been considered would enable competitors/hosts to adjust their offering to WG's and WWE's detriment. We do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

Public Interest Test For Disclosure

The Welsh Government recognises the public interest in openness and transparency within government, particularly in terms of ensuring an accountable government by disclosing how the Welsh Government spends public money and that the money is invested wisely.

Public Interest Against Disclosure

Disclosure of this information would provide competitors and other event organisers access to a level of information not otherwise available to them. This would be likely to enable them to obtain an advantage when negotiating with or against the Welsh Government and WWE. We do not believe facilitating this type of unfair competitive advantage would be in the wider public interest.

For example, disclosure of information would allow event organisers to understand previous investments and potentially negotiate a detrimental position for the Welsh Government and WWE. To freely disclose the information would give competitors aiming to attract similar events a distinct commercial advantage and stepping stone which would be likely to prejudice our ability to engage in fair and level playing field for our commercial activities. WG and WWE do not have access to similar 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.

Whilst the withheld information would be of interest to other competitors and event organisers, we do not believe it would be of sufficient interest to the wider public. Release of the information would also allow potential competitors/event organisers access to a level of detail that they otherwise wouldn't have, so as to enable them to obtain a commercial advantage when competing for other major events or when hosting the WWE. 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 Welsh Government or WWE by the release of this information.

I am aware that, as a general rule, the sensitivity of information is 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.