

Dear

## **Request for information - ATISN 17167**

I wrote to you on 3 March regarding your request for information.

### **Your request**

You asked for the following information regarding The Marine Group:

- 1) How much does the group of companies called The Marine Group owes the Welsh Government in total.
- 2) Confirm how much The Marine Group has paid the Welsh Government each year and if this was the full amount, and what dates they should have paid the Welsh Government and what date they actually paid the Welsh Government.

### **Our Response**

I can confirm we hold the information you have requested, however, I have concluded that this information is exempt from disclosure under Section 43(2) of the Freedom of Information Act 2000, commercial interests. Full reasoning for applying this exemption is appended at Annex A.

### **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](mailto: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**

**Section 43 (2) – Commercial Interests**

The information caught by this exemption relates to the money owed to the Welsh Government by the Marine Group. Decisions relating to non-disclosure of this information have been taken with due consideration of the exemptions identified under Section 43(2) of the Freedom of Information Act 2000 (FOIA). This exemption states that:

*(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 43 is a qualified (public interest tested) exemption. This means that 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.

#### *Public Interest For Release*

I recognise the general public interest in openness and transparency and releasing the information would help the public gain a better understanding of the decisions made by Government. It is also recognised that there is a public interest in how public money is to be, or has been, used to ensure that Government gets the best value from the public purse.

#### *Public Interest Against Release*

The information we hold regarding financial dealings between the Marine Group to the Welsh Government is commercially sensitive. We have not been given permission by the Marine Group to disclose this financial information. The Marine Group may also be able to argue that if we do release the information, it would be likely to cause the company commercial disadvantage with regards to its competitors. Releasing details of the information requested would be potentially detrimental to their interests, in both commercial and reputational terms.

The information requested is a matter between The Welsh Ministers as landlord and the Marine Group as tenant.

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

In conclusion, I believe that the balance of the public interest therefore falls in favour of withholding the information relating to the financial dealings between the Welsh Government and the Marine Group.