

11 August 2023

Dear

ATISN 18780 – Skyline Funding

Information requested

Thank you for your request which I received on 26 July 2023. You asked for:

1. A copy of the funding offer and conditions accepted by Skyline.
2. The date the funding offer was first made to Skyline.
3. Details as to why the support provided or to be provided to Skyline does not amount to an unlawful subsidy and/or whether the funding has been notified to the Subsidy Advice Unit.

Our response

1. A copy of the funding offer and conditions accepted by Skyline

Details of this offer and conditions accepted by Skyline are exempt from disclosure under Section 41, information provided in confidence, of the Freedom of Information Act 2000. The reasoning for withholding the information is given at Annex A.

2. The date the funding offer was first made to Skyline

The funding offer was issued on 15 December 2022.

3. Details as to why the support provided or to be provided to Skyline does not amount to an unlawful subsidy and/or whether the funding has been notified to the Subsidy Advice Unit.

Capital tourism funding schemes are competitive, discretionary schemes that are available to all, and we respond to every enquiry on its merits. We do not invite tenders for specific projects, and such projects do not therefore require a procurement exercise. The Welsh Government Subsidy Control Unit has confirmed that the funding offered is in accordance with the Subsidy Control regulations.

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

Section 41 – Information Provided in Confidence

This applies to question 2 of the request.

Section 41 sets out an exemption from the right to know where the information requested was provided to the public authority in confidence and disclosure of the information would give rise to an actionable breach of confidence.

Section 41 states that:

(1) Information is exempt information if—

- (a) it was obtained by the public authority from any other person (including another public authority), and*
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

The details of any variation from the applicant's original funding request to what was finally offered contains detailed financial information. As such, the information is neither trivial nor is it, at this point in time, publicly accessible. This information is confidential to the Welsh Government and the applicant. Releasing this financial information would breach the applicant's confidentiality, as this information was provided to the Welsh Government on the explicit understanding that access to it would be closely restricted. Disclosing the figure that was originally requested by the applicant, may harm Skyline's reputation and subsequently negatively impact the business when it opens.

The applicant has not provided consent for us to make this information available to any party who asks for it.

Consequently, I believe that the information is owed a legal duty of confidence and that disclosure without consent would result in an actionable breach of that confidence.

Section 41 is an absolute exemption and is not, therefore, subject to the public interest test.