

23 October 2023

Dear

ATISN 19081

Thank you for your request which was received on 26 September 2023, you asked for the following information:

Information held in relation to the PQQ Qualification All Lots - F228/2022/2023 - Communication & Marketing Framework Agreement- PQQ_33372.

In particular, copies of the top 6 applications along with the technical responses to the applications.

I have concluded the information you have requested is exempt from disclosure under Section 43 of the Freedom of Information Act (2000). I have set out at Annex 1, the reasons for non-disclosure.

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 e-mail: 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

Telephone: 0303 123 1113

Website: www.ico.org.uk

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

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).

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 awards contracts as well as spends public money.

Public Interest Against Disclosure

Disclosure of the requested information would provide competitors to a level of information not otherwise available to them. This would be likely to enable them to obtain an advantage when negotiating with Welsh Government.

Whilst the withheld information would be of interest to other competitors, we do not believe it would be of sufficient interest to the wider public. Release of the information would also allow potential competitors access to a level of detail that they otherwise wouldn't have, so as to enable them to obtain a commercial advantage by understanding and potentially copying the methodology, processes or business case of competitors.

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 companies who may submit bids in the future (companies may be unwilling or reluctant to submit bids where their commercially sensitive information could be placed into the public domain).

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 conclude therefore that the balance of the public interest falls in favour of withholding the information.