

Ein cyf/Our ref ATISN 15090



Llywodraeth Cymru
Welsh Government

Dear

12 May 2021

Request for Information – ATISN 15090

I wrote to you on 22 April regarding your request for information.

Your request

1. A list of attendees, including their titles and who they represented, at a meeting between the Minister for Economy, Transport and North Wales, Ken Skates MS and the Chief Investment Officer of GFG Alliance, on 9 November 2020.
2. The location and duration of the above meeting.
3. Read-outs from the above meeting.
4. Any briefing notes prepared for the official who accompanied the Minister and any reports or brochures received as part of that meeting.
5. Any e-mails referring to the above meeting in the week prior and after the meeting.

Our Response

I confirm the Welsh Government holds some information caught by your request. Those who attended the meeting were the Minister for Economy, Transport and North Wales, Ken Skates MS; the Welsh Government's Chief Regional Officer, South East Wales Division; the Minister's Special Advisor; the Chief Investment Officer at GFG Alliance; and the Government Relations Officer at GFG Alliance. The meeting was held virtually for a scheduled 30 minutes.

The information we hold in relation to question 3 is exempt from disclosure under Regulation 12(4)(e), internal communications of the Environmental Information Regulations and is therefore withheld. The reasons for applying this exception are set out in full at Annex 1 to this letter.

We do not hold any information caught by your fourth and fifth questions.

Next steps



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 .

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

ATISN 15090 - Application of exception

The Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

We have decided to withhold the following information:

- Notes of the meeting held on 9 November 2020.

This Annex sets out the reasons for the engagement of Regulation 12(4)(e), internal communications of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

Regulation 12(4)(e) – internal communications

Regulation 12(4)(e) states that a public authority may refuse to disclose information to the extent that—

(e) the request involves the disclosure of internal communications.

Guidance from the Information Commissioner has confirmed that this exception is drafted broadly and is a class based exception which covers all internal communications, not just those that are sensitive or actually reflect internal thinking. The concept of ‘internal communications’ covers a wide range of information and includes any information intended to be communicated to others or saved in a file where it may be consulted by others. I can confirm that the information held by the Welsh Government which is captured by your request amounts to internal communications.

Regulation 12(4)(e) is a qualified (public interest tested) exception. Even if the exception is engaged, public authorities must go on to apply the public interest test set out in regulation 12(1)(b). A public authority can only withhold the information if the public interest in maintaining the exception outweighs the public interest in disclosing the information. Because of this, consideration has been given to the effects of disclosure to the world at large rather than any personal interest you may have in being provided with the information.

Public interest arguments in favour of disclosure

The Welsh Government acknowledges the presumption in favour of disclosure under Regulation 12(2) and we acknowledge there is a public interest in openness and transparency within Government, particularly in terms of ensuring transparent and accountable government by disclosing how the Welsh Government utilises its resources, spends public money and that both are invested wisely on behalf of the people of Wales.

Public interest arguments in favour of withholding

The information contained within the meeting notes you have requested consists of advice by officials to Cabinet Ministers reflecting the discussions held on 9 November. Whilst the meeting was arranged to discuss the use of electric arc furnaces, the advice expands into particularly sensitive and complex information regarding Liberty Steel's wider business interests, including the discussion of financial and commercial matters relating to the business. The advice discusses on-going business support the Welsh Government could further explore with the business, all of which is yet to be agreed by Ministers.

It is important for good governance that officials are able to fully engage with each other and with Ministers and exchange and provide advice away from the public gaze and that there should be no disincentive in doing so. If officials believed their advice or freely exchanged views would be made public, it is likely to inhibit the future provision of advice and exchange of views, leading to less rigorous and in-depth exploration of options and impairment of the quality of decision making. Unless officials are able to provide options and advice surrounding the possible offer of support to any company, the effectiveness of the possible support that could be offered and the process of reaching such a decision would be undermined. This would not be in the public interest.

Welsh Ministers have answered several Written Questions regarding this business, the answers to which are all available on the Welsh Government website, for example <https://record.senedd.wales/WrittenQuestion/82337>, <https://record.senedd.wales/WrittenQuestion/81598>, <https://record.assembly.wales/WrittenQuestion/82224>, <https://record.assembly.wales/WrittenQuestion/82337>, and <https://record.assembly.wales/WrittenQuestion/81277>. Welsh Ministers also proactively issue Written Statements when it is appropriate to do so, for example <https://gov.wales/written-statement-liberty-steel-newport-announcement>. With this in mind, the Welsh Government believes the amount of information already in the public domain is sufficient to satisfy the public interest.

Balance of public interest test

In this regard, the Welsh Government believes the balance of public interest to withhold the information outweighs the public interest to release it for the reasons outlined above. The information has therefore been withheld under Regulation 12(4)(e) of the EIRs.