



Llywodraeth Cymru
Welsh Government

Parc Cathays/Cathays Park
Caerdydd/Cardiff
CF10 3NQ

27 July 2022

Dear _____,

ATISN 16442 – GlobalWelsh Job Creating Project Opportunities

Information requested

Thank you for your request which I received on 30 June 2022. You asked for:

- Could you list the “10 new job creating project opportunities per annum. “New” in this case will be defined as where Welsh Government does not have an existing relationship with the potential investor.” that GlobalWelsh introduced please.

Our response

I have decided that the information described above is exempt from disclosure under sections 29(1) and 41(1) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex 1 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 1

Application of exemptions/exceptions

The Freedom of information Act/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.

I have decided to withhold the following information:

| Information being withheld | Section number and exemption name |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------|
| List of 10 new job creating project opportunities per annum | Section 29(1) Economic Interests Section 41 (1) Information provided in confidence. |

This Annex sets out the reasons for the engagement of sections 29(1) and 41(1) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of section 29 (1) 'Economic Interests'.

One of the key objectives of the Welsh Government is to grow the Welsh Economy. The Welsh Government invests significant resource in identifying and engaging with companies that are making investment decisions, to try to ensure that Wales is considered as part of those decision making processes.

We believe that the early release of information relating to discussions with potential investors would be likely to prejudice those discussions with the result that some, or all, of the potential investors decide to invest elsewhere. The disclosure of information at such an early stage in discussions would be likely to reduce the ability of GlobalWelsh to introduce new potential investors to the Welsh Government. The result of this would be the potential loss of new investors, and a subsequent loss to the economy of Wales.

For this reason we believe that the exemption at s29(1) is engaged.

Public Interest Test

In order to satisfy the public interest test in relation to exemption 29 (1), it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

Public interest arguments in favour of disclosure

Welsh Government acknowledges the public interest in openness and transparency that release of the information would engender. There is also 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.

There is a strong public interest in showing that the Welsh Government, and by association, GlobalWelsh, are actively working to support new businesses to invest in Wales, to build and strengthen the Welsh economy.

Public interest arguments in favour of withholding

Attracting new businesses is a highly competitive market with national and regional governments around the World actively working to attract investment to the benefit of their respective economies. We believe it is not in the public interest to release details of potential investors at a time when discussions are still in the early stages and no decision has been taken. Releasing this information would alert competitors that potential investors were in discussion with Wales and this would allow our competitors around the World to target these companies.

Balance of public interest test

Having weighed up the arguments in favour and against the release of this information we have decided that, on balance, it is in the public interest to not release this information due to the factors outlined above.

Engagement of section 41 (1) 'Information provided in confidence'

The Welsh Government believes that the list of 10 new job creating project opportunities should be exempt from disclosure.

Following their introduction by GlobalWelsh to the Welsh Government, an undertaking of confidentiality is provided by the Welsh Government to protect all information relating to these early discussions until such time as the investors decide to invest in Wales. This includes the identity of the potential investors.

We believe that the information, including the identity of these potential investors has the necessary 'quality of confidence' to support a claim that a legal duty of confidence is in place until such time as both parties agree to go public.

For this reason, Section 41 (1) is engaged.

Public Interest Test

In order to satisfy the public interest test in relation to exemption 41 (1), it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

Public interest arguments in favour of disclosure

Welsh Government acknowledges the public interest in openness and transparency that release of the information would engender. There is also 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.

There is a strong public interest in showing that the Welsh Government, and by association, GlobalWelsh, are actively working to support new businesses to invest in Wales, to build and strengthen the Welsh economy.

Public interest arguments in favour of withholding

It is not in the public interest to release details of potential investors at a time when discussions are still in the early stages and no decision has been taken, and where disclosure opens the Welsh Government up to legal action for a breach of confidence.

It is vital that commercial organisations have confidence in the Welsh Government and the reputational damage resulting from any actionable breaches of confidence by the Welsh Government is very likely to undermine such confidence.

Balance of public interest test

Having weighed up the arguments in favour and against the release of this information we have decided that, on balance, it is in the public interest to not release this information due to the factors outlined above.