

21 November 2022

Dear

ATISN 16816 Wales' State Owned Renewable Energy Company

Thank you for your request which I received on 1 November 2022. You asked for:

A copy of the business plan developed by Welsh Government officials to support the establishment of the public sector renewable energy developer announced on 25 October.

Our response

I have decided that the information requested is exempt from disclosure under section 22 (information intended for future publication) of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption are set out in full at Annex A 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 A

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:

The business plan developed by Welsh Government officials to support the establishment of the public sector renewable energy developer announced on 25 October.

This Annex sets out the reasons for the engagement of section 22 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of section 22 (Information intended for future publication) of the Freedom of Information Act

The Welsh Government believes that the business plan for the renewable energy developer should be exempt from disclosure. It is our intention that the business plan be released in full at a later stage, but at this early stage the plan remains incomplete. We do not have a confirmed date when the information will be complete and published, although we expect it to be in advance of the formal launch of the body in April 2024.

Public Interest Test

In order to satisfy the public interest test in relation to the exemption, 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

I recognise that there is a strong public interest in transparency of government and the accountability of decision making. I also recognise that the matter is one that is itself of widespread public interest in Wales and beyond. There should be a strong presumption in favour of disclosure of the requested information.

Public interest arguments in favour of withholding

At this stage the requested information is partial and incomplete. There is no finished business plan that we can supply, and the information that will form that plan is currently undergoing discussion and revision. There is a danger that should we put incomplete information into the public domain, such information may be relied upon

despite the fact it is subject to revision and may be incorrect. As release under FOI is release to the world, the information supplied could be relied upon in a variety of contexts, and this could further lead to a loss of trust in the information supplied by Welsh Government, were it found that the information supplied were incomplete or incorrect.

Balance of public interest test

Although there is a strong public interest in the publication of this document, this has always been recognised, and thus Welsh Government intends to release the document in full. Therefore, in considering the balance of public interest, I only need to consider the public interest in releasing the document now. Because the document is incomplete and may contain information that is incorrect, I find that the balance of the public interest lies with withholding the information until it can be completed and checked for accuracy.