



3 August 2023

Ein cyf/Our ref ATISN 18692

Dear ,

ATISN 18692 – BP – Sheep Dairy

Thank you for your request which I received on 06 July 2023. You asked for:

- 1. The amount of fees paid to consultants since Jan 2020*
- 2. The amount of money given to research and projects looking into Welsh sheep dairy.*
- 3. The justification or business plan presented for Glynllifon College to be allocated funding to establish a sheep dairy unit, which budget these funds were allocated from and how much they have received in government funds so far.*
- 4. A copy of all reports completed using government funding since Jan 2020 including the report completed by KPMG and the 2 initial reports completed by the sheep dairy Wales project.*

Our response

- **The amount of fees paid to consultants since Jan 2020**

Welsh Government have not paid fees to consultants in relation to this project.

- **The amount of money given to research and projects looking into Welsh sheep dairy.**

A total of £1.629m has been awarded in relation to sheep milk research and projects.



Llywodraeth Cymru /
Welsh Government
Parc Cathays / Cathays
Park
CF10 3NQ

FOI.ETCC@gov.wales

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 .

- **The justification or business plan presented for Glynllifon College to be allocated funding to establish a sheep dairy unit, which budget these funds were allocated from and how much they have received in government funds so far.**

Please see the Business Case attached.

I have decided that some of the information in the Business Case is exempt from disclosure under sections 40(2) and 43 of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter.

Welsh Government have provided £1m in Capital funding and £500,000 revenue funding to Grwp Llandrillo Menai under the Economic Resilience Funds.

- ***A copy of all reports completed using government funding since Jan 2020 including the report completed by KPMG and the 2 initial reports completed by the sheep dairy Wales project.***

Part of the Information requested is already in the public domain and can be found here <https://www.youtube.com/watch?v=8jum6UFtLhw>

Welsh Government does not hold any further completed reports as the work is ongoing.

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:

- Sections of the Business Case – Section 43 – Commercial interests

This Annex sets out the reasons for the engagement of sections 43 and 40(2) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

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).

The Welsh Government (WG) is of the view that revealing the information in the Business Case document would be likely to displace the Welsh market and lead to commercial challenges by releasing the sheep milking concept at this stage and enable active competitors from across the UK and Ireland to access planned commercial activity.

We do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

Public Interest Test For Disclosure

The Welsh Government recognises the public interest in openness and transparency within government, the purpose of the project once completed, is to share the findings with the wider Welsh farming sector, which is clearly in the public interest.

Public Interest Against Disclosure

Releasing the information at this conceptual stage ahead of the project launch could lead to competitors gaining an unfair advantage through being first to market.

This could lead to some Welsh sheep dairy farmers facing tougher market conditions due to competitive pricing in other parts of the UK or saturation in the sector.

This would not be in the public interest.

Section 40(2) – Personal Data

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 2018 (‘the DPA 2018’) and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested contains third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

“processed lawfully, fairly and in a transparent manner in relation to the data subject”

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:-

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate interests

The personal data is the names and personal data of individuals identified in the Business Case. There is a legitimate interest in understanding the context of the

Business Plan, and there may be a legitimate interest in understanding who is identified there, to provide this context.

2. Is disclosure necessary?

Disclosure of some the personal data is necessary for the legitimate interest, inasmuch as knowing who is identified allows a better understanding of the context in which the plan is presented, and allows understanding of qualification, expertise etc.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms

Although there is a legitimate interest in understanding the full context of the business plan, the fundamental rights of those identified must be balanced against this legitimate interest. The context of this request is around the costs of the project and does not appear to be raising questions as to who is undertaking the work. The information requested would place personal information that is not limited to names, but also includes salaries into the public domain. The information requirement for costs is met in the broader requests, and individual salary costs do not add to the overall understanding of the request. As such I believe the information requirement is met with the information we are releasing, and to reveal the personal information identified here would breach the fundamental rights of the data subjects. I therefore am withholding this information.