



Ein cyf/Our ref: ATISN 24665

**Llywodraeth Cymru**  
**Welsh Government**

23 May 2025

Dear ,

### **Request for Information - ATISN 24665**

Thank you for your request for information which I received on 24 April. Your request has been logged under reference ATISN 24665. You have asked for the following information relating to Cardiff Airport:

- A copy of the Welsh Government's Assessment of Compliance of the proposed subsidy.

### **Our Response**

The Freedom of Information Act (FOIA) provides 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 information requested and have set out in **Annex A** the relevant exemption under the FOIA we believe are applicable and why we believe the information should not be disclosed. This includes our consideration of the public interest test.

### **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.



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.

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](mailto: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](http://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.

The request you sent me contains personal information about you - for example, your name and email address. The Welsh Government will be the data processor for this information and, in accordance with the General Data Protection Regulation, it will be processed in order to fulfil our public task and meet our legal obligations under the Act to provide you with a response. We will only use this personal information to deal with your request and any matters which arise as a result of it. We will keep your personal information and all other information relating to your request for three years from the date on which your request is finally closed. Your personal information will then be disposed of securely.

Under data protection legislation, you have the right:

- to be informed of the personal data we hold about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further information about the information which the Welsh Government holds and its use, or if you wish to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ

Email: [DataProtectionOfficer@gov.wales](mailto:DataProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113

Website: [www.ico.org.uk](http://www.ico.org.uk)

Any information released under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 will be listed in the Welsh Government's Disclosure Log (at <https://gov.wales/about/open-government/freedom-of-information/responses/?lang=en>).

Yours sincerely

## **Annex A**

The FOIA provides 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 information in line with the below exemptions under the FOIA.

A copy of the Welsh Government's Assessment of Compliance of the proposed subsidy	Section 43(2) – Commercial interests
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This annex sets out the reasons for the engagement of these sections of the FOIA and our subsequent consideration of the Public Interest test.

### **Section 43(2) – commercial interests**

Section 43(2) covers any information that if disclosed would be likely to prejudice the commercial interests of any person (including the public authority holding it).

The information requested contains financial and commercial information which, should it be disclosed, would be likely to prejudice Cardiff Airport and companies engaged in commercial discussions with Cardiff Airport. To reveal the information would be likely to prejudice their commercial interests should the information associated with this matter be disclosed. The information would reveal commercially sensitive information not otherwise publicly available and which, if disclosed would be likely to prejudice the companies' service offerings and future strategies.

Disclosing the information would give any competitors a distinct commercial advantage and stepping stone which would be likely to put the companies' own business at risk and therefore prejudice their ability to engage in future commercial activities. We do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

### **Public interest arguments in favour of release**

We understand that the decisions of Welsh Ministers with regards to Cardiff Airport are of interest to the general public. It is important that public service activities carried out are appropriately transparent to provide assurance to citizens. We are also aware of additional interest in the matter following the Welsh Government's referral to the Competition and Markets Authority's Subsidy Advice Unit in relation to our proposed subsidy to Cardiff International Airport Limited, to which you referred.

### **Public interest arguments in favour of withholding**

We take the view that Section 43(2) is intended to ensure that information is not disclosed that would be likely to prejudice the commercial interests of any person (including the public authority holding it).

To freely disclose the information would give any competitors a distinct commercial advantage and stepping stone which would be likely to put Cardiff Airport's business, and the companies engaged with Cardiff Airport, at risk and therefore prejudice the companies' ability to engage in future commercial activities. Neither Cardiff Airport, nor the companies engaged with Cardiff Airport, have access to similar information on its competitors as they do not publish it, so would be at a significant disadvantage. We believe the resultant harm should this information be released, would be substantial.

The information contains financial workings and supporting analysis, disclosure of which would prejudice the firms' commercial or legitimate economic interests. 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 Cardiff Airport, or the companies engaged with Cardiff Airport, by the release of this information.

I am aware that, as a general rule, the sensitivity of some information may be 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 believe therefore that the balance of the public interest falls in favour of withholding the information.

## **Conclusion**

We believe that it is within the wider public and commercial interest of the Welsh Government, Cardiff Airport and companies engaged with Cardiff Airport to withhold the information related to this request in order to prevent putting Cardiff Airport and associated businesses at an unfair competitive disadvantage. The Welsh Government endeavours to ensure it is as transparent as possible, in particular through the media, publication of documents, Ministerial Written Statements and public statements in the Senedd. We take the view that, on balance, this public interest has been satisfied and the information requested has been withheld under Section 43(2) of the Act for the reasons set out above.