



Tv and Filming on the Estate (continued)

7 August 2024

Request for Information.

As indicated in our response dated 23 July 2024, we reached the opinion that section 43(2) of the Freedom of Information Act 2000 ("FOIA") was relevant to the information held regarding rental fees received ("the information") by the Senedd Commission ("Commission"). Since then, we have considered the matter further and carried out the public interest test. Having done so, we have concluded that the public interest in the disclosure of the information does not outweigh the likely harm which would follow from disclosure. In such circumstances, the information is exempt from disclosure under section 43(2). Details of our decision making follows.

Section 43(2) FOIA exempts from disclosure any information which "would, or would be likely, to prejudice the commercial interests of any person (including the public authority holding it)." The intention behind the exemption is to prevent the disclosure of information that could cause harm to the commercial interests of any individual or organisation, such as their ability to participate competitively in a commercial activity.

It is our view that the commercial interests of the Commission would be prejudiced by a disclosure of the information (ie the rental fees received). The release of the information would place into the public domain information that would harm our position by curtailing our future ability to negotiate in a commercial environment and achieve advantageous terms.

The Commission began charging rental fees relatively recently and has not done so for all filming which has taken place on the Senedd Estate. It also recently began the preparatory work necessary to inform a potential policy for monetising the Estate; this work included seeking advice as to appropriate charges. As a result of the policy development work in this area being at such an early stage, key decisions have yet to be made. However, at this stage it is considered that any future rental charges could vary

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according to the nature of the production to be filmed, its timing, the locations to be utilised and the overall anticipated impact on the Commission and / or Senedd.

It is considered that a disclosure of the rental fees charged thus far would reduce the Commission's ability to negotiate the most advantageous fees on a case by case basis in the future. Put another way, a disclosure at this stage, before policy formulation has taken place, would be premature and impair the future potential of a monetisation programme.

Section 43(2) is subject to consideration of the public interest test. In order to withhold the information requested, we must be satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. There are competing arguments, including those which follow.

There is a strong public interest in the openness and transparency of the Commission. There is also a public interest in knowing and understanding the use which is made of the Senedd Estate, particularly in the context of monetising the Estate. Further, there is a public interest in knowing the levels of income generated as a result of charging rental fees.

Conversely, there is a public interest in the Commission being able to utilise its Estate in the best way possible and in ensuring that fees charged represent the most appropriate arrangement for the Commission and / or Senedd. There is also a public interest in ensuring the Commission is able to participate competitively in a commercial setting.

Further, there is a public interest in enabling the Commission to undertake the forthcoming policy development phase without the prospect of public scrutiny or external interference and without making disclosures which have the potential to undermine the basis of any future policy.

In addition, in entering into the agreements under which rental fees were charged, the Commission gave assurances regarding aspects of the arrangements. There is a clear public interest in the Commission meeting its obligations in this regard.

Any disclosure of the arrangements, contrary to the commitments given, would also have the potential to reduce the confidence that others may have in the Commission and negatively affect the Commission's ability to participate effectively in a commercial environment.

In conclusion, we do not consider that the public interest in the disclosure of the information requested outweighs the likely harm which would follow from disclosure, such that it is not in the public interest to prejudice commercial interests in this way. As such, the information regarding rental fees is exempt from disclosure under section 43(2).

Yours sincerely

Joshua Newland

**Information Governance Officer
Welsh Parliament**

Your request has been considered according to the principles set out in the **Code of Practice on Public Access to Information**. If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance below.

Cause for concern or complaint with your FOI response?

If you are dissatisfied with the Welsh Parliament's handling of your request, you can request an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Freedom of Information Manager at:

Information-request@senedd.wales or in writing to

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If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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