

Freedom of Information requests

2013

Reference number: 13-003

I'd like answers to the following questions asked under the Freedom Of Information Act:

1. What is the trading name of the incumbent trading at Gwalia Stores i.e. John Jones t/a or ABC123 Ltd?
2. What is the fixed rental income and additional % of revenue income to the National Museum of Wales from Gwalia Stores for the last 3 financial years?
3. What is the total turnover of the Gwalia Stores for the last 3 financial years?
4. What is the forecast revenue from the Gwalia Stores in the next 3 years budget for the National Museums?

Under Section 16 of the FOIA can you advise whether there is a different but unrelated questions which would elicit the information I seek? I believe I have provided sufficient context but will of course provide further information if that would assist.

Reply required within 20 days please

28 February 2013

Dear,

REQUEST FOR INFORMATION – *Information relating to the financial turnover for the Gwalia Stores and the trading name of the incumbent.*

Thank you for your request for information. As Head of Knowledge & Information Management for Amgueddfa Cymru - National Museum Wales, I am responsible for responding to your request for information.

I refer to your email of 31 January 2013, in which you asked for the following information:

- 1 *What is the trading name of the incumbent trading at Gwalia Stores i.e. John Jones t/a or ABC 123 Ltd?*
- 2 *What is the fixed rental income and additional % of revenue income to the National Museum of Wales from Gwalia Stores for the last 3 financial years?*
- 3 *What is the total turnover of the Gwalia Stores for the last financial years?*
- 4 *What is the forecast revenue from the Gwalia Stores in the next 3 budget for the National Museums?*

In responding to your request for information, I will be referring to each request separately.

RESPONSE

- 1/ *What is the trading name of the incumbent trading at Gwalia Stores i.e. John Jones t/a or ABC 123 Ltd?*

The licence to operate is in the names of McGurk and Short.
This is not a lease on the building but a 'lease to operate'.

- 2/ *What is the fixed rental income and additional % of revenue income to the National Museum of Wales from Gwalia Stores for the last 3 financial years?*

11/12 Fixed £18K, turnover £4.5K
10/11 Fixed £18K, turnover £5.9K
09/10 Fixed £15K, turnover £7.7K

- 3/ *What is the total turnover of the Gwalia Stores for the last 3 financial years?*

Your request for information relating to the last 3 financial years has now been considered and I must inform you that the Museum is not obliged to supply the information you have requested due to the information being exempt under the Freedom of Information Act. Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice for your fourth question

- 4/ *What is the forecast revenue from the Gwalia Stores in the next 3 budget for the National Museums?*

Your request for information relating to the forecast revenue has now been considered and I must inform you that the Museum is not obliged to supply the information you have requested due to the information being exempt under the Freedom of Information Act. Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice for your fourth question.

The exemption that has been applied to both your third and fourth questions is **Section 43(2) – Commercial Interest** and the following explanation applies to both queries.

Section 43(2) – Commercial Interest

Section 43(2) exempts information the disclosure of which would be likely to prejudice commercial interests. Although S.43 is subject to the public interest test, to which we have given careful consideration, we have decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

This exemption applies because the disclosure of the requested information would be likely to prejudice the commercial interests of the licence to operate holder, Amgueddfa Cymru and all those who have supplied detailed tenders in any future negotiations.

We do not provide financial information relating to other organisations or relating to forecast revenue as we consider this information is commercially sensitive. Amgueddfa Cymru does not disclose forecast information which would likely prejudice the Museum's or other company's future negotiation opportunities. Such information is not released and exemption S.43(2) is applied.

Moreover, releasing such information would fetter the Museum's ability to obtain a competitive price on retendering i.e. disclosure would harm the Museum's ability to achieve best value when the contract is next retendered.

We acknowledge that there is a public interest in disclosure to support openness and transparency, especially relating to the spending of public money, but there are opposite and weightier interests in non-disclosure due to the importance of ensuring a level commercial playing field and achieving best value in negotiations for public sector contracts.

In coming to this decision, we took into consideration the guidance provided by the Ministry of Justice on Section 43: Commercial Interest.

Your request was considered according to the principles set out in the National Assembly's Code of Practice on Public Access to Information (third edition). The Code is published on the Internet at www.information.wales.gov.uk.

If you believe that I have not applied the Code of Practice on Public Access to Information correctly or have not followed the relevant laws, please contact me to request a first-stage review. If, after that, you are still not satisfied you may request a formal review by Amgueddfa Cymru. When dealing with any concerns, we will follow the principles of the National Museum of Wales's Code of Practice on Complaints, which is available on our website at www.museumwales.ac.uk/en/45/ or by post from:

Mr John Williams-Davies
Director of Collections and Research
Amgueddfa Cymru – National Museum Wales
Cathays Park
Cardiff
CF10 3NP

You also have the right to complain to the Information Commissioner. Normally, however, you should pursue the matter through our internal procedure before you complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

I apologise that Amgueddfa Cymru cannot assist you with your request but if you have any further queries or concerns then please contact me via my email address.

Yours sincerely,

Head of Knowledge & Information Management