

**We were asked:**

Q1. The Secretary of State for Wales, David Jones MP, recently stated in the press that:

"There is a complete audit trail of the negotiations between the Welsh Government and Department for Transport which makes it absolutely clear that the Welsh Government would be responsible for paying for the Valley Lines."

I request all and any papers relating to the audit trail referred to by the Secretary of State for Wales and any further papers that refer to financial arrangements regarding the funding of the electrification of the Valley Lines.

**We replied:**

A1.

An agreement was reached to include this project within the High Level Output Specification on the basis that a specific access charge be included on the next Wales and Borders franchise to repay the infrastructure investment by Network Rail. Those negotiations and agreement are outlined in correspondence between the Welsh Government and the Department for Transport.

Whilst this department holds copies of those exchanges, the information is exempt from disclosure under the terms of Section 22(1) (information intended for future publication) of the Freedom of Information Act.

The Department for Transport plan to publish the information within the next month in response to a Written Parliamentary Question (<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140403/text/140403w0003.m>)

Section 22(1) (Information intended for future publication) of the Freedom of Information Act is qualified exemption, and is therefore subject to a public interest test. The public interest test is where the Department considers whether the balance of the public interest falls in favour of withholding or disclosing the information requested.

In this case the public interest arguments in favour of disclosure of this information within a shorter timeframe than currently planned are that it could improve transparency in the operations of Government, and demonstrate accountability. This has been balanced against the public interest arguments against disclosure at the present time, in this case to ensure that the publication of official information is a properly planned and managed process, to ensure that the data is accurate once it is placed into the public domain. It is also in the public interest to ensure that the information is available to all members of the public at the same time, and premature publication could undermine the principle of making the information available to all at the same time through the official publication process.

Therefore we have reached the view that, on balance, the public interest is better served by withholding this information under Section 22 (1) of the Act at this time. The information due for publication will be available from the deposited papers section of the House of Commons Website at the following link: <http://www.parliament.uk/business/publications/business-papers/commons/deposited-papers/>

While the Wales Office does hold further information relating to the financial arrangements regarding the funding of the electrification of the Valley Lines, this information is currently exempt from disclosure under the terms of Section 43 (2) (Commercial interests) of the Freedom of Information Act. This exemption is also qualified, and therefore subject to a public interest test.

With regards to the financial information we hold the public interest arguments in favour of disclosure of this information at the present time are that disclosure could improve transparency in the operations of Government, and demonstrate accountability. This has been balanced against the public interest arguments against disclosure of this information at the present time, in this case to ensure that the Government does not prejudice the commercial interests of a third party ensuring that Government does not damage its business reputation or the confidence that customers, suppliers or investors have in it.

We reached the view that, on balance, the public interest is better served by withholding this information under Section 43 (2) of the Act at this time.