



[REDACTED]

19 December 2023

Dear [REDACTED]

Freedom of Information request: FOI2023/00965

Thank you for your Freedom of Information request received on the 5 December in which you requested the following:

Your request:

I am seeking the following information via FOI request:

1. *Can you please confirm what Innovate UK awards have been applied for and/or granted to David Smith Consulting and what information is in the public domain?*
2. *Can you confirm what the submission closing dates are associated with any awards?*
3. *Is it possible to share a description of the project?*
4. *Can you confirm the parties that are named as participants in the project?*
5. *Can you confirm what the financing mechanism is for any such reward – e.g. defrayed payment, payment in advance or claimed in retrospect?*
6. *Can you confirm whether or not there are any references or claims made to the following in association with the award:*
 - a. *A product/digital system/service named 'Right Track'*
 - b. *A company named 'Fuse Mobility Ltd'*
 - c. *A company named 'Sympatric Ltd'*
 - d. *A person named 'Steve Cassidy'*
7. *Can you confirm whether or not there are any claims concerning background IP*

Our response

I can confirm that UK Research and Innovation (UKRI) hold information relevant to your request. Please see the information below.

Please note that under Section 21 - Information already reasonably accessible, of the FOIA, some of the information you have requested is already available in the public domain. Links to the publicly accessible information has been provided below where relevant.

Section 21 is an absolute exemption which means that there is no requirement to conduct a public interest test.

1. *Can you please confirm what Innovate UK awards have been applied for and/or granted to David Smith Consulting and what information is in the public domain?*

There are two relevant projects, reference numbers 10080269 and 10044371, the details of which can be found in the [Innovate UK transparency data](https://www.ukri.org/publications/innovate-uk-funded-projects-since-2004/)¹.

¹ <https://www.ukri.org/publications/innovate-uk-funded-projects-since-2004/>

2. *Can you confirm what the submission closing dates are associated with any awards?*

[Fast Start](#)²: Innovation closed to submissions on 26 July 2022 11:00am
[Net Zero Living Digital Accelerator round 1](#)³ closed to submissions on 7 June 2023 11:00am

3. *Is it possible to share a description of the project?*

Please see the public description as provided in the transparency data noted in response to Q1

4. *Can you confirm the parties that are named as participants in the project?*

As noted on the transparency data:
10080269 – East Lothian Council, 10044371 - no other participants

5. *Can you confirm what the financing mechanism is for any such reward – e.g. defrayed payment, payment in advance or claimed in retrospect?*

[Fast Start: Innovation](#)⁴

You can claim 100% of your eligible project costs up to the maximum of £50,000.

We will aim to pay:

- 70% of the grant within a month of your agreed project start date
- A further 20% to be paid in arrears after approval of your 70% claim and evidence received for your 20% claim
- the remaining 10% of the grant 10 to 14 days after Innovate UK approve your claim

[Net Zero Living Digital Accelerator round 1](#)⁵

Costs are incurred and defrayed on a quarterly basis

6. *Can you confirm whether or not there are any references or claims made to the following in association with the award:*

- A product/digital system/service named 'Right Track'*
- A company named 'Fuse Mobility Ltd'*
- A company named 'Sympatric Ltd'*
- A person named 'Steve Cassidy'*

7. *Can you confirm whether or not there are any claims concerning background IP*

In relation to questions 6 and 7 we can neither confirm nor deny whether UKRI holds the information you have requested under section 41(2) information provided in confidence and section 43(3) commercial prejudice.

Section 41, information provided in confidence

Section 41(1) of the Freedom of Information Act (FOIA) provides that information is exempt from disclosure if such disclosure would constitute an actionable breach of confidence. Section 41(2) provides an exclusion from the duty placed on a public authority such as UKRI to confirm or deny the existence of the information if the act of confirming or denying would itself result in an actionable breach of confidence. We believe that is the case in regard to both of these questions.

² <https://apply-for-innovation-funding.service.gov.uk/competition/1155/overview/abd65604-7da7-4fe1-9969-fd71539dd09c#dates>

³ <https://apply-for-innovation-funding.service.gov.uk/competition/1543/overview/536a0251-b755-4a7f-bcbd-741cbbb6bc43#dates>

⁴ <https://apply-for-innovation-funding.service.gov.uk/competition/1155/overview/abd65604-7da7-4fe1-9969-fd71539dd09c#eligibility>

⁵ <https://www.ukri.org/councils/innovate-uk/guidance-for-applicants/general-guidance/what-happens-if-you-are-successful/#contents-list>

To explain further, Research proposals are submitted to Innovate UK in confidence. Applicants are informed that if they are successful, a summary of the project information will be disclosed publicly, however the details within an applicant's proposal are considered confidential.

The terms of the exemption in the FOIA mean that UKRI do not have to consider whether or not it would be in the public interest for us to reveal whether or not the information is held.

Section 43(2), prejudice to commercial interests

Section 43(2) exempts information from disclosure where disclosure would prejudice commercial interests. Section 43(3) allows UKRI to neither confirm nor deny whether or not it holds information relevant to your request where to do so would prejudice the commercial interests of UKRI or a third party. Section 43 is a qualified exemption subject to the public interest test.

This is a qualified exemption, and a test was carried out to determine whether the public interest in maintaining the exemption outweighs public interest in disclosure.

Public interest in favour of disclosure

- There is a general public interest in the disclosure of this information to ensure transparency and openness of a public organisation
- There is also a public interest in transparency in order to ensure the accountability of public organisations and how they spend public funding

Public interest in favour of withholding the information

- Applicants apply to IUK knowing that if they achieve success only a brief overview of their successful bid will be publicly available, everything else will remain confidential.
- We also considered the impact on UKRI if commercially sensitive information of companies we engage and work closely with were disclosed. We believe it would damage the trust in UKRI and likely impact our ability to carry out our role and manage our current and future investments. Relationships may become untenable if third parties cannot be certain that their commercial information will remain confidential when held by UKRI.
- Breaching the commercial interest may also adversely affect future negotiation opportunities for UKRI. UKRI may be seen as a 'confidentiality risk' if it routinely releases information relating to business arrangements into the public domain, particularly where this is third party information.

Taking the above arguments into consideration, we reached the decision that the need for commercial confidentiality outweighs the public interest in disclosure; therefore the information is exempt from disclosure.

The fact section 41 and section 43 of the FOIA have been cited should not be taken as an indication that the information you requested is or is not held by UKRI.

If you have any queries regarding our response or you are unhappy with the outcome of your request and wish to seek an internal review of the decision, please contact within the next 40 working days:


Head of Information Governance
Email: foi@ukri.org

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: www.ico.org.uk.

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see UKRI's complaints policy: <https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

Yours sincerely,


Information Governance
Information Rights Team
UK Research and Innovation
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