



[REDACTED]

16 February 2024

Dear [REDACTED],

**Freedom of Information request: FOI2023/01010**

Thank you for your Freedom of Information request received on the 18 December in which you requested the following:

**Your request:**

*All the applications are under Kelham 1 and should be under your system.*

*Catapult program , build , insurance and al and then mindset .*

*I will contact the catapult seperately but I would like a copy of the contract you have with catapult for the competition .*

**Our response**

I can neither confirm nor deny whether UK Research and Innovation (UKRI) holds the information you have requested under section 41(2) 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 question 1 of your request, for all applications under Kelham 1.

To explain further, Innovate UK's guidance states that if applications are successful that their information will be published. It is therefore implied that all organisations can confidently apply to IUK and information relating to their application will be kept confidential unless they are successful. To confirm that an application has been received, but not funded, would be an actionable breach of this confidence. To confirm that an application has not been received would make it possible to determine if an unsuccessful application is submitted in the future.

Section 41 is an absolute exemption which means there is no requirement to consider the public interest test in neither confirming nor denying whether or not the information is held.

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

As part of our duty to advise and assist under the FOI Act we can advise that UKRI does not hold information related to applications where applications for funding are made directly to the Catapult.

Regarding your request for the contract UKRI holds with the catapult for the competition, we can confirm that UKRI holds a Grant Offer Letter (GOL) with the Digital Catapult for the project 'BridgeAI Digital Catapult Direct Award'.

The FutureScope Bridge AI Accelerator Programme is delivered in part by the Digital Catapult and funded by Innovate UK via this grant.

Information on this grant is publicly available on [Gateway to Research](#)<sup>1</sup>. The GOL is attached as document 'FOI2023/01010 2023-20027-001-Grant Offer Letter-Innovate UK-BridgeAI\_Redacted' with a limited amount of information redacted under section 41(1), information provided in confidence, and section 43(2), commercial prejudice, to protect the breakdown of finances for the project.

With regard to section 41, as organisations submit information in support of their projects in confidence, we consider the information in relation to the project finances to be exempt under Section 41 of the FOIA. To explain further, as information related to the awarding of grants is submitted by prospective grant holders in confidence, with the understanding that details of their project will remain confidential to protect commercially sensitive or market information, we consider that the breakdown of project finances falls under this exemption. This detailed information, as found in the GOL, is necessary to enable assessment and monitoring. If the information was released, we believe it would result in an actionable breach of confidence.

As this exemption is absolute there is no requirement to conduct a public interest test.

We also consider that information related to project finances falls under the exemption at Section 43(2) of the FOIA. This exemption is used where disclosure would likely result in a person's (an individual, a company, the public authority itself, or any other legal entities) commercial interests being prejudiced. Section 43(2) is a qualified exemption, and we are required to carry out the public interest test in favour of or against releasing the information.

### **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**

- There is a public interest in protecting commercially sensitive information, including business plans that contain a breakdown of the project finances, which are disclosed to UKRI in confidence.
- Disclosing the withheld information is likely to reduce the organisation's commercial advantage and thereby harm its commercial interests by revealing financial costings, which may harm their ability to compete for future commercial opportunities. We believe disclosing this information via FOI confers a disadvantage which would likely materially disadvantage and harm their interests.
- Releasing this information is likely to damage the possibility of ongoing relationships between UKRI and other organisations. Relationships may become untenable if third parties cannot be certain that their technical and financial costings and other project details will remain confidential when held by UKRI.

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.

Information related to names and contact details of individuals has also been withheld. We consider that this information constitutes personal data and falls under the exemption at section 40(2) of the FOI Act. Section 40(2) exempts personal information such as names of individuals from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would, amongst other things, contravene one of the data protection principles. Disclosing this information would contravene the first Data Protection Principle as defined under Section 86 of the Data Protection Act 2018 and Article 5 of the UK General Data Protection Regulation (UK GDPR).

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<sup>1</sup> <https://gtr.ukri.org/projects?ref=107534>

Section 40(2) is an absolute exemption and does not require a public interest test.

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](mailto: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](http://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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