



[REDACTED]

10 November 2022

Dear [REDACTED],

Freedom of Information request: FOI2022/00271

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

Your request:

I am requesting copies of documents relating to the Advanced Propulsion Centre (APC) grant funding referred to in the attached 'Meg Hillier letter 25 Feb 2020' under that heading on page 3.

The documents I am requesting are:

- 1. Document(s) identifying all the consortium members (if not contained in the requests below)*
- 2. The application form and/or any documents relating to the application*
- 3. The report on the interview stage*
- 4. The technical assessment*
- 5. The terms of the provisional contract*
- 6. Documents supporting the contracting and due diligence process including financial forecasts for each consortium member*
- 7. The exploitation plan*
- 8. Documents recording your in-house due diligence financial process*
- 9. Project monitoring officer reports*

I trust that the above is clear but please do not hesitate to contact me for clarification if not.

Our response

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

The 'Meg Hillier letter 25 Feb 2020' you forwarded on page 3 refers to a 2016 award to Norton Motorcycles of £2.1m, as lead partner on the 'Superlight Twin' project as part of the Advanced Propulsion Centre (APC) grant funding. We have interpreted your questions as referring to this award.

The information in relation to question 1 of your request for documents identifying all the consortium members is already in the public domain, and is therefore exempt under Section 21 of the FOIA - Information already reasonably accessible. This information can be found on Innovate UK's [transparency data](https://www.ukri.org/publications/innovate-uk-funded-projects-since-2004/)¹ webpage where you can filter for the project number (113124) and on [Gateway to Research](https://qtr.ukri.org/projects?ref=113124#/tabOverview)². Section 21 is an absolute exemption which means that there is no requirement to conduct a public interest test.

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

² <https://qtr.ukri.org/projects?ref=113124#/tabOverview>

We can confirm that one of the project participants EPM Technology Ltd withdrew from the project in December 2017 and was replaced by Penso Consulting Ltd.

Please find attached information in relation to question 2 of your request for the application form '*FOI2022-00271 - 113124 Application*' and question 5 of your request for the terms of the provisional contract '*FOI2022-00271 - 113124_COL*'. Some of the information in the application form has been withheld under sections 41 information provided in confidence, section 43(2) commercial prejudice, and section 40(2) personal data as explained further below.

Some information has been withheld 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). Section 40(2) is an absolute exemption and does not require a public interest test.

Information in relation to all other parts of your request for the 'report on the interview stage', the 'technical assessment', 'Documents supporting the contracting and due diligence process including financial forecasts for each consortium member', the 'exploitation plan', 'Documents recording your in-house due diligence financial process' and 'Project monitoring officer' reports fall under the exemptions at section 41 information provided in confidence and section 43(2) commercial prejudice.

As organisations submit research applications in confidence, we consider the information in relation to their applications, which includes all information requested in relation to questions, 6, and 7, related to finances, and the exploitation plan is exempt under Section 41 of the FOIA. To explain further, applicants submit their grant applications in confidence, with the understanding that details of their application will remain confidential to protect research and development plans, intellectual property, and other commercially sensitive or market information provided in the proposal. Detailed information is necessary in proposals to enable assessments. This information is more than trivial and not otherwise accessible, as it refers to a method and technology that are not publicly available and not easily accessible. Confidential information from submitted applications relates to the financial forecasts of consortium members and the exploitation plan.

We believe that the information has the necessary quality of confidence and was imparted under an obligation of confidence. We consider there would be significant detriment to the confider should this information be disclosed as releasing the full grant application and supporting documents could be taken advantage of by competitors in planning competing strategies for further business opportunities. UKRI has considered whether there would be a public interest defence available if we were to disclose the requested information and has found that if this expressed duty of confidentiality is seen to be compromised, it may prevent applicants from submitting future applications and the public interest is better served by withholding the requested information under Section 41(1) as there is an over-riding public interest in maintaining the confidentiality of grant applications. Further Innovate UK undertakes to treat all applications in the strictest of confidence and adheres to information protection rules detailed in [Innovate UK Privacy Notice and Information Management Policy](https://www.ukri.org/publications/innovate-uk-privacy-notice-and-information-management-policy/innovate-uk-privacy-notice-and-information-management-policy/)³. 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 the information requested in relation to questions 3, 4, 6, 7, 8, and 9 such as finances, due diligence and monitoring reports 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. We believe disclosing this commercially sensitive information through an FOI confers an advantage to competitors which would be likely to materially disadvantage and harm the interests of the applicant, given that the information provided in support of applications holds value and constitutes an asset of the company. 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

³ <https://www.ukri.org/publications/innovate-uk-privacy-notice-and-information-management-policy/innovate-uk-privacy-notice-and-information-management-policy/>

Public interest in favour of disclosure

- UKRI has found no evidence of misconduct, wrongdoing, or misuse of funding, therefore disclosure does not serve the wider public interest.
- 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 such as cost information, and technical project plans.
- Applicants apply for funding knowing that if they achieve success, only a brief overview of their successful bid will be publicly available; everything else will remain confidential, including details of the technical or financial costings engaged in the project.
- As such, disclosing the information requested is likely to reduce the applicant's commercial advantage and thereby harm its commercial interests in a highly competitive field. We believe disclosing this information via FOI confers a disadvantage to applicants which would likely materially disadvantage and harm their interests, particularly in their ability to compete for grants.
- Release would also undermine the competitiveness of the project and hinder decision making if third party project details were to be released as it would be likely to weaken the position of the participants of the project in the competitive research environment as participants would usually continue working on projects or on the research even after the grant has come to an end.
- 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.

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:

Head of Information Governance

Email: foi@ukri.org or infogovernance@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
foi@ukri.org | dataprotection@ukri.org