

PART 2 – CONFIDENTIAL FACTS AND ADVICE

MD2071

Title:
MedCity

Information may have to be disclosed in the event of a request under the Freedom of Information Act 2000. In the event of a request for confidential facts and advice, please consult the Information Governance team for advice.

This information is not for publication until the stated date, because:

The MedCity future funding paper contains information the disclosure of which may be considered to prejudice the commercial interests of the GLA and MedCity which is not in the public interest.

Date at which Part 2 will cease to be confidential or when confidentiality should be reviewed: 30 March 2018

Legal recommendation on the grounds of keeping the information confidential:

In the event of any request for access to the information contained in this document under section 1 of the Freedom of Information Act 2000 ("the Act"), it is considered that access can be denied on the basis that the disclosure of such information would prejudice both the GLA's and MedCity's commercial interests in that competing organisations would be informed on funding routes and/or ideas that MedCity have formulated and may also wish to pursue in the 2017/18 financial year. This is therefore covered by the exemption under section 43 of the Act.

Section 1 of the Act creates the general right of access, which provides that any person making a request for information to a public authority is entitled:

- to be informed in writing by the public authority whether it holds information of the description specified in the request; and
- if that is the case, to have that information communicated to him/her.

Part II of the Act contains a number of exemptions from disclosure for certain classes of information. In particular, section 43 of the Act provides that information is exempt information if disclosure under the Act would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it). The paragraph above states that the information is considered commercially sensitive as its release could affect:

- MedCity's ability to successfully negotiate and secure third party funding required to meet its costs of delivering the activity proposed; and
- impact upon the GLA securing value for money in its grant of funding, part of the rationale ordinarily for which, is to enhance a recipient's ability to leverage third party funding to enable optimal project delivery and coverage.

The section 43 exemptions are qualified exemptions and its use is therefore, subject to a public interest assessment.

Public Interest Assessment

At present, on balance, it is considered that the public interest is best served if the information is not disclosed at this point. Disclosure by the GLA would be likely to have a detrimental effect on:

- MedCity Limited's ability to optimise the leveraging of third party funding required to enable it to meet its costs of efficiently delivering its business plan, thereby impacting adversely on its ability to:
 - meet its vision of delivering regional health improvements and economic growth and be at the centre of a growing, global life sciences sector for the benefit of London; and
 - enable London to benefit from London working collaboratively in the sector with Oxford, Cambridge and the Greater South East (GSE) to be a world leading, interconnected region for life science research, development, manufacturing and commercialisation; and
- the GLA's ability to secure for value for money, any impact of disclosure of the future funding paper on MedCity Limited's ability to deliver the above benefits efficiently or secure third party funding being likely to increase the perceived need for public funding in the future.

The eligibility of this exemption should be reassessed in the event of an FOI request for this information as the level of sensitivity will change over time and different circumstances may alter the arguments in favour of non-disclosure

Legal Adviser - I make the above recommendations that this information should be considered confidential at this time

Name: Stephen Fernandes-Owen – TfL Legal

Date: 23 February 2017

Once this form is fully authorised, it should be circulated with Part 1.

Confidential decision and/or advice:

See MedCity future funding paper appended.