

Freedom of Information requests

2012

Reference number: 12-010

Can you please confirm for me who won the National Museum Wales Advert Tender?

Under the freedom of information act, can we please see the document of the winning bid?

Many thanks,

21 June 2012

Reference number: 12-010

Dear,

REQUEST FOR INFORMATION – *Information relating to the recent Amgueddfa Cymru - National Museum Wales Advert tendering exercise.*

Thank you for your request for information. As Head of Knowledge & Information Management for Amgueddfa Cymru - National Museum Wales, I am responsible for responding to your request for information.

I refer to your email of 23rd May 2012, in which you asked for the following information:

- 1) *The name of the company which won the tender.*
- 2) *Can we please see the document of the winning bid?*

In responding to your request for information, I will be referring to each element of your request separately.

1) *The name of the company which won the tender.*

The Orchard Media & Events Group Ltd.

2) A copy of the document of the winning bid.

Your request for this information has been considered. Unfortunately, Amgueddfa Cymru is unable to provide the entire tender information you have requested. While some information has been withheld and the reason for withholding this information is defined within this response, the information which is being released is provided in the attachment. The information which is not being released has been withheld under the following exemptions:

Section 43(2) – Commercial Interests Section 40(2) – Personal Information

These exemptions are applied to the following sections / parts of sections within the Tender document:

Section 43(2)

- Executive Summary
- Creative Approach
- Concepts 2 and 3
- Media Selection and Detail – TV
- Proposed Campaign and Timescale
- Case Studies and Relevant Experience
- Examples of Similar Work
- Breakdown of Fees
- Referees

Section 40(2)

- Referees

Referring to Section 43(2), it is considered that the public interest in withholding the information outweighs the public interest in disclosing it. Section 40(2) is an absolute exemption and is not subject to the public interest test. To the extent that Amgueddfa Cymru is unable to provide all the information that fully responds to your request, I must therefore provide you with a Refusal Notice under Section 17.1 of the Freedom of Information Act 2000, because in accordance with Sections 43(2) and 40(2), the information you have requested which is exempt from disclosure.

Section 43(2) Commercial Interests

Under section 43(2) of the Act, information is exempt information if its disclosure under the Act would, or would be likely to prejudice the commercial interests of any person including the public authority holding it.

We are applying this exemption to the information that has not been provided as disclosure would be likely to damage the Amgueddfa Cymru and those organisations listed within the case studies and their competitive position in the seeking competitive suppliers for future requirements, in particular, it would damage future negotiating position with parties that may be interested in providing tenders to the Museum.

Disclosure of this information would cause harm to the Amgueddfa Cymru as it would be likely to damage the efficiency by which the Museum makes use of its limited resources and undermine the Museum's ability to obtain future competitive tenders for services in such a way as to maximise the benefits for the public purse. Moreover, releasing such information would fetter the Museum's ability to obtain a competitive price on retendering i.e. disclosure would harm the Museum's ability to achieve best value when the contract is next retendered. I consider that the harm described above would be substantial.

We do not provide financial information or information which is considered unique to the supplier on current tenders as we consider this information is commercially sensitive. The contract was only awarded on the **24th May 2012** which makes this information very current thus very commercially sensitive. Disclosure of this current information is likely to prejudice all parties in future negotiations. Amgueddfa Cymru does not disclose current information which would likely prejudice the Museum's or other company's future negotiation opportunities. This information includes: the supplier's creative ideas and concepts, approach to planning and pricing structures (this is not an exhausted list). Such information is not released and exemption S.43(2) has been applied.

Public Interest arguments in favour of disclosure under section 43(2)

There is a public interest in Amgueddfa Cymru being as transparent and accountable as possible in the way that it operates particularly with regards to the how it utilises its funding. It is arguable that there is a public interest in providing access to the information provided within tender documents, for example: the creative approaches, referees, case studies and pricing structures provided by the tendering organisation as it ensures accountability and transparency in how we use external organisations to assist us in delivering our services.

Public interest arguments against disclosure under section 43(2)

The public interest argument against disclosure under this exemption is that Amgueddfa Cymru, should, when requesting organisations to submit tenders, be afforded the opportunity to allow submitting tendering organisations to provide with confidence case study information without having to compromise its negotiating position. Disclosure of the organisational creative approaches and case studies would adversely impact on the success of Amgueddfa Cymru to secure the best outcome for the public purse. The ability of Amgueddfa Cymru to undertake tendering processes and negotiations concerning the acquisition of services has a direct bearing on the finances that it has available for reinvestment for the wider benefit of the public at large.

We acknowledge that there is a public interest in disclosure to support openness and transparency, especially relating to the spending of public money, but there are opposite and weightier interests in non-disclosure due to the importance of ensuring a level commercial playing field and achieving best value in negotiations for public sector contracts.

Having considered the public interests arguments for and against disclosure, I have, on balance concluded that the public interest is better served by withholding the information in question under the exemption that has been cited.

Section 40(2) Personal Information

Information contained within the Referees section contains personal information and for that reason, the information has been withheld.

The information withheld amounts to personal data and is exempt under section 40(2), FOIA, as disclosure, without the consent of the individuals to whom it relates, to a member of the public otherwise than under the FOIA would breach the first and second data protection principles. This exemption is absolute and is not subject to the public interest test. Therefore, the information requested is exempt under FOIA section 40(2) and will now be reviewed under the Data Protection Act 1998 (DPA).

Data Protection Act 1998 (DPA)

Redaction of Information – Engagement of section – Section 1(1) DPA – meaning of “personal data”

Information relating to the names and contact details of the referees is personal data within the meaning of the DPA.

Part I of Schedule 1 DPA – first data protection principle

In my view, the disclosure of the personal data requested in your letter would be unfair within the meaning of the first data protection principle. Part II of Schedule 1 to the DPA sets out how the principle of fairness is to be interpreted. It states that, in deciding whether personal data is processed fairly, regard must be had to whether any person from whom it was obtained is deceived or misled as to the purpose or purposes for which they are to be processed.

The DPA also requires the data controller to ensure, so far as is practicable, that the individual knows the purposes for which his or her personal data is to be processed, and any further information which is necessary to enable the proposed processing to be fair.

Generally, once a data subject has been informed of the parameters of what will happen to his data, if a data controller carries out processing which is outside those parameters, that processing will be unfair.

With this in mind, a number of factors that will, in my view, have some bearing on whether disclosure can be regarded as fair. One of the most important, as advised above is that the response to an FOIA request is to the public at large, rather than to an individual, with a particular interest in information for his own personal reasons.

With regards the organisations' names noted within the various case studies, this information has not been provided. This is because we are of the view that this information is exempt from disclosure under section 43(2) of the Act. Information is exempt information pursuant to section 43(2) if its disclosure would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it). This decision has been taken following consideration of the public interest arguments for and against disclosure. The public interest test previously defined also applies to this section. Having considered the public interests arguments for and against disclosure, I have, on balance concluded that the public interest is better served by withholding the information in question under the exemption that has been cited.

The Tender information released to you has been provided for your personal use, any copying, distribution or publication of this information in full or substantial part would be in breach of the Copyright, Design and Patent Act 1988.

I am sorry we cannot assist with your request, but if you have any further queries or concerns then please contact me.

Your request was considered according to the principles set out in the National Assembly's Code of Practice on Public Access to Information (third edition). The Code is published on the Internet at www.information.wales.gov.uk.

If you believe that I have not applied the Code of Practice on Public Access to Information correctly or have not followed the relevant laws, please contact me to request a first-stage review. If, after that, you are still not satisfied you may request a formal review by Amgueddfa Cymru. When dealing with any concerns, we will follow the principles of the National Museum of Wales's Code of Practice on Complaints, which is available on our website at www.museumwales.ac.uk/en/45/ or by post from:

Judith Ingram
Head of Policy and Planning
Amgueddfa Cymru – National Museum Wales
Cathays Park
Cardiff
CF10 3NP

You also have the right to complain to the Information Commissioner.
Normally, however, you should pursue the matter through our internal
procedure before you complain to the Information Commissioner.
The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Head of Knowledge & Information Management

Amgueddfa Cymru – National Museum Wales
Parc Cathays, Caerdydd CF10 3NP/Cathays Park, Cardiff CF10 3NP
Ffôn/Tel (029) 2039 7951 Ffacs/Fax (029) 2057 3321
E-bost: post@amgueddfacymru.ac.uk/E-mail: post@museumwales.ac.uk

7

Llywydd/President Elisabeth Elias MA DL
Trysorydd/Treasurer J. Peter W. Morgan M.Sc FCS Cyfarwyddwr Cyffredinol/Director General David Anderson
Rhif elusen / Charity registration number: 525774
Rhif TAW / VAT registration number: GB 783 4541 10

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cymru



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MEDIA BRIEF: Amgueddfa Cymru – National Museum Wales

Summer TV Advertising Campaign

April 2012

Company Information

Name of the company submitting the tender:	The Orchard Media and Events Group Ltd
Contact Name:	Laura Carpanini
Address:	The Television Centre Culverhouse Cross Cardiff CF5 6XJ
Telephone Number:	02920 590 334
Facsimile Number:	02920 590 335
E-mail address:	laura@thinkorchard.com
Company Registration:	07214357
Date of Registration:	11 th November 2010
VAT Registration Number:	100272773
Website address:	www.thinkorchard.com

EXECUTIVE SUMMARY

The Orchard Media and Events Group Ltd. is delighted to submit this proposal to devise and deliver a TV advertising campaign for the seven national museums of Amgueddfa Cymru - National Museum Wales.

Orchard is a dynamic and experienced £4.5 million turnover Media Communications Company, with a proven track record for providing outstanding service worldwide across all our service departments. We provide creativity, excellent organisation, an innovative approach and astute budgetary management, with high quality internal processes and procedures to ensure attention to detail at all stages of production.

The Orchard Group began trading in early November 2010, as a merger between Push4 and Greenfield Media Solutions, two highly respected Welsh companies both of which are approved suppliers on the Welsh Government Creative Services Framework. As a full service and bilingual agency, our quote is to provide both the creative and production of the TV commercial and to book the airtime. We have the in-house expertise to be able to provide all of the outlined deliverables, maximising the effectiveness and efficiency of the budget.

We would be delighted to work in partnership with National Museum Wales to showcase the seven fantastic museums and all they have to offer. We believe our team has the skill, creativity and experience to deliver and communicate a highly successful and imaginative campaign.

THE BRIEF

Amgueddfa Cymru requires an agency to work with its Head of Marketing to devise a TV commercial showcasing the seven national museums of Wales. The commercial will be broadcast as part of a TV advertising campaign in English on ITV Wales and in Welsh on S4C.

The commercial will need to convey the positive experience enjoyed by many of our existing family visitors to the museums as places of fun and educational experiences with plenty to see and do. We also need to consider addressing outdated and stereotypical notions of museums by non-visitors who are inclined to perceive museums as boring, dusty and unchanging places with odd-looking objects in glass cases. Many of these visitors especially in lower socio-economic groups are particularly interested in what there is 'to do' rather than just 'to see'.

The main purpose of the campaign will be to promote the national museums in Wales as a free family fun day out full of magical moments of discovery, seeing history come alive and experiencing life in the past and present. The creative process will need to consider how best to communicate the seven national museums of Wales in a single commercial or to consider adaptations for each museum. The campaign will need to exploit the benefit of being able to offer universal free entry to the national museums. The campaign will be evaluated in terms of effectiveness of increasing visitor numbers over the campaign period (compared to 2011).

Media Requirements

The campaign will run as a 2-week campaign in mid-July, which is a time of year when many people are looking for days out particularly in the run up to the summer school holiday period. The commercial will need to make effective use of Welsh and English in separate commercials i.e. English only commercial on ITV Wales and Welsh only commercial for S4C.

Target Markets

The target audience will be families who currently account for 53% of all visitors to our museums. We wish to reach a broad audience group that covers the demographics of C1C2DE with scheduling around peak viewing times in the evening and daytime viewing slots.

Deliverables

To supply the Museum with two digital copies (English and Welsh) and a master clone of the finished film.

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CREATIVE APPROACH

As a full-service agency we have the in-house capability to buy the media and produce the English and Welsh language commercials for the campaign. This means you will only need to liaise with one point of contact who project manage delivery of both the production and the airtime.

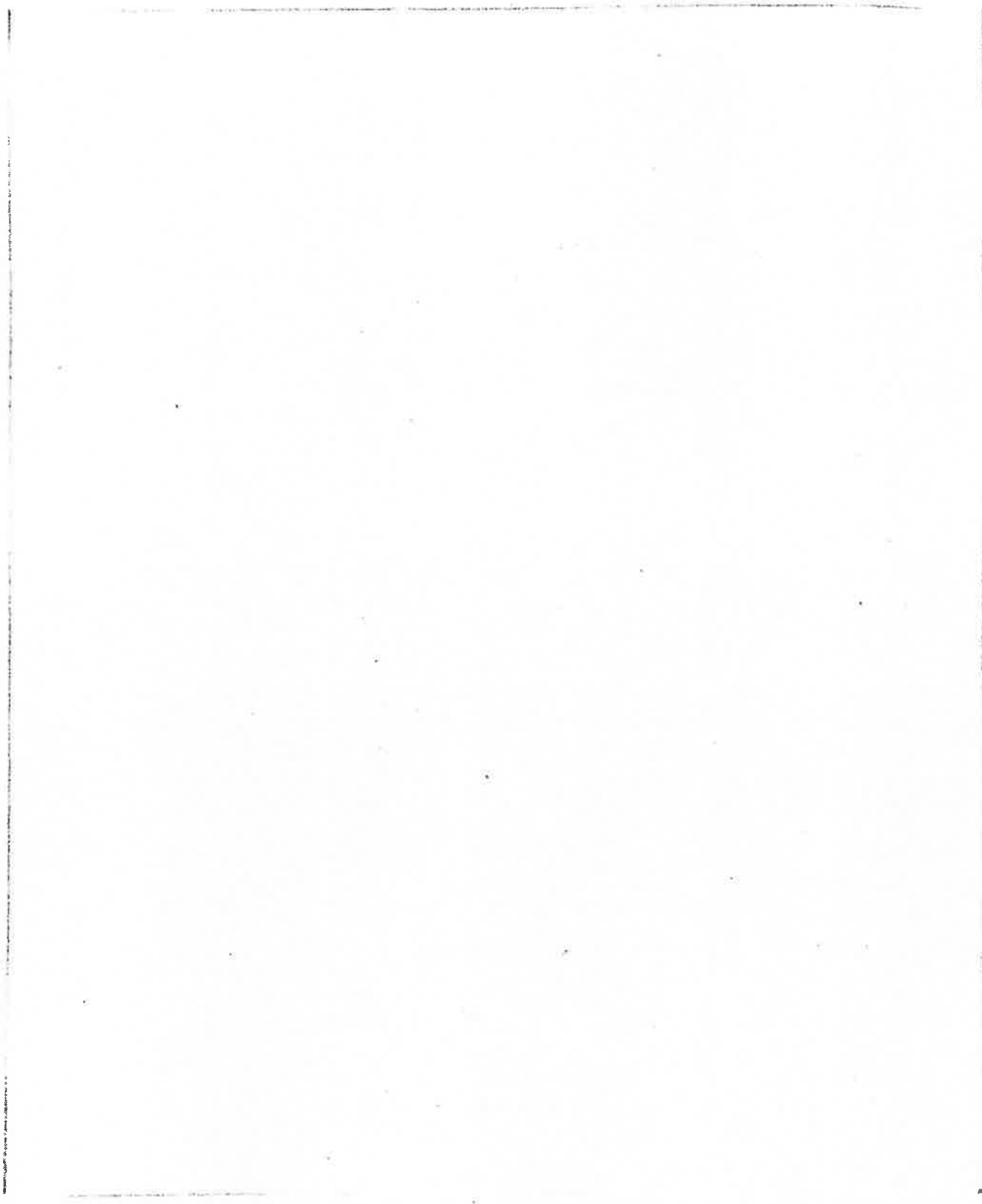
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Concept 1: Hands-on experiences

This execution will give an overview of all 7 National Museum locations, showcasing them as dynamic, exciting and informative attractions where visitors get real hands-on experiences.

We will film at all seven locations and will edit a 30 or 40 second Welsh and English version including all attractions as well as individual 10 second commercials for each attraction.

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The Orchard Media & Events Group Ltd | The Television Centre, Culverhouse Cross, Cardiff, CF5 6XJ
Grŵp Cyfryngau a Digwyddiadau Orchard Cymru | Y Ganolfan Deledu, Cross Cwrlwys, Caerdydd, CF5 6XJ
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MEDIA SELECTION AND DETAIL- TV

We propose targeted bursts of TV advertising on both

ITV1 Wales and S4C

PROPOSED CAMPAIGN TIMESCALES

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CASE STUDIES AND RELEVANT EXPERIENCE

The Orchard Group and its constituent companies have been working in the Media and Events sector since 2000 and our team have over 30 years combined experience in Wales and internationally. Orchard has built an excellent buying reputation in the Welsh media landscape. As a full service and bilingual agency we work across all media platforms and have experience of creating media plans that use the most effective media platforms for the brief and target audience. Delivering ROI for our clients is of course key in the campaigns we plan and buy. Recent media campaigns we have delivered include:

Orchard has also produced the commercials to accompany these campaigns which can be viewed on our website www.thinkorchard.com and on our Vimeo channel <http://vimeo.com/user2005515>

Orchard is also the largest independent promoter in Wales and we are responsible for promoting some of Wales' biggest concerts and events. Promoting our 200+ gigs/events means that we understand the pressures of selling tickets for our own events/gigs which gives Orchard a unique positioning within the Welsh media landscape. We take great care when creating an advertising schedule to consider the most effective media to communicate with the target audience.

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EXAMPLES OF SIMILAR WORK

THE TEAM

Laura Carpanini
Senior Account Manager



An experienced marketing manager within the client services and PR team, Laura is responsible for the management of both public and private sector accounts; including Traveline Cymru, Countryside Council for Wales, Wales & West Utilities, Nolan, the Cardiff Blues and the St. David's Hotel & Spa. Laura has a wealth of experience in planning and running campaigns across multi-media platforms and ensuring projects are delivered on time and on budget. With an excellent eye for detail, Laura will be the day-to-day contact with an overall brief to plan and manage the campaign effectively. Laura will be the main contact to attend all meetings, to manage the budget and produce regular updates and post-campaign analysis.

Rob Light
Producer and Director



An experienced Producer and Director. With a natural flair for Directing - his main expertise lies in broadcast and corporate audio visual material. He is an especially talented interview director and ensures that the interviewee is well-briefed and at ease. This results in strong, confident performances and the best end output possible. He has a wealth of experience in producing both broadcast and non-broadcast material for both the private and public sector.

Ynyr Ifan
Director and Creative



A talented Director, specialising in short-form adverts and stings as well as broadcast and corporate filming. As a Creative, he has developed an abundance of creative ideas that have been developed into successful broadcast and non-broadcast campaigns.

Rhidian Evans
Production Manager



Responsible for managing the productions within Orchard, Rhidian has a wealth of experience in managing all aspects of production, from locations to casting, health and safety and post production. He would be responsible for the organisational aspect of the production and would ensure that the project goes smoothly.

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BREAKDOWN OF FEES

Production

£5,900+ vat

S4C £3,000+ vat

ITV Wales airtime approx £20,000+ vat

ITV Wales + West VOD campaign at £1,750+vat

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REFEREES

The following Orchard clients are would be willing to provide a reference in connection with this tender:

We look forward to receiving your feedback in relation to this document and we would welcome the opportunity to present our production storyboards to you on Thursday 10th May.

Laura Carpanini
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