OFFICE OF THE CHIEF MINISTER

The Hon. Member for Douglas Central, Mr Thomas, to ask The Chief Minister:

Further to written answer W-202501-1515, when he will publish the statutory consultation responses received from: the Information Commissioner, Isle of Man Steam Packet Group Limited, Manx Development Corporation Limited, Isle of Man Meat Company Limited, Nimbus Medical Holdings Limited, Cinemanx Limited, Treaco Limited, Treasury, Department for Enterprise, Department of Environment, Food and Agriculture, Manx Utilities Authority, and Isle of Man Fat Stock Marketing Association.

Question W-202501-1925 published on 08/10/2025; Answer published on 23/10/2025.

The Chief Minister (Mr Cannan):

The commentary from those who responded to the targeted consultation on publicly-owned companies is provided below. The response from the IOM Fatstock Marketing Association is not included as they have not yet confirmed their consent to publish. For context, these responses were provided in July 2024.

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<td>Isle of Man Meat Company Ltd.</td>
<td>Thank you for your letter received 10 May 2024 with respect to the proposed inclusion of the Isle of Man Meat Company Limited ("IOMMCL") under the Freedom of Information Act 2015 (the "Act").

IOMMCL may seem to fall within the definition under Section 6 (2) but the Board do not believe we would be classified as a true public service company. The company was originally established as an arm's length commercial venture with the Department of Environment, Food and Agriculture ("DEFA") and the Fatstock Marketing Association (the "FMA") as the shareholders, with a subvention from DEFA to support the Isle of Man farming industry. We believe the company was established as an arm's length commercial company to allow it to trade fully without the oversight of Government, with an independent Board of Directors.

In this respect we do not believe the definition of a publicly owned company is deemed to include commercially sensitive arm's length companies. Furthermore, IOMMCL is a fully commercial trading company, and as such under the Act we believe there are several exemptions that would apply to us, most notably:

Part 4 Qualified Exempt Information

Section 30 Economy and commercial interests

(1) Information is qualified exempt information if its disclosure would, or would be likely to, prejudice:

(a) the economic interests of the Island;
(b) the financial interests of the Island; or
(c) the ability of the government to manage the national economy.

(2) Information is qualified exempt information if:</td>
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	(a) it constituted a trade secret; or **(b) its disclosure would, or would be likely to, prejudice the commercial interests of a person (including the public authority holding it).** Under 30 (2) the Board feel that due to the commercial nature and sensitivity of our trading agreements, public disclosure of this information would be detrimental to IOMMCL, DEFA, FMA and the farmers and our other commercial partners. **Section 34** **34 Formulation of policy** **(1) Information is qualified exempt information if:** **(a) the information is held by a public authority that is:** **(i) a Department; or** **(ii) the Cabinet Office;** **and (b) the information relates to:** **(i) the formulation or development of government policy;** **(ii) communications between Ministers (including, in particular, the proceedings of the Council of Ministers or of any committee of the Council of Ministers);** **(iii) the provision of legal advice or any request for such advice; and (iv) the operation of a Ministerial private office.** **(2) Once a decision as to policy has been made, statistical information used to provide an informed background to the taking of the decision is not qualified exempt information by virtue of this section.** **(3) In determining whether the public interest in maintaining this exemption outweighs the public interest in disclosing the information, regard must be had to the public interest in disclosing factual information used to provide an informed background to decision-taking.** Under 1 the Board is of the opinion that the commercially sensitive pricing is intertwined with DEFA Agricultural policy to a certain extent and disclosure of any information under the Act would be prejudicial to the stakeholders. The Board would like to stress that we have a full and regular communications plan with all stakeholders to keep our partners and the industry fully informed of operations. We feel that given the current turnaround project of IOMMCL and the very public, and unwarranted, agendas being published in the media, that the amount of work involved if the company was subject to the ACT would be unmanageable and lead to further costs incurred by DEFA. Ultimately however, the Board's overriding opinion is that IOMMCL is an arm's length commercial entity and such businesses activities are exempt under the Act in a similar vein to private limited companies.

MDC	I provide below the views of Manx Development Corporation Limited (MDC) in respect of its potential inclusion as a public company under schedule 1 of the Freedom of Information Act 2015. MDC does not believe that it should be included under the provisions for the following reasons: MDC Shareholder Agreement • The publicly available shareholder agreement between Treasury and MDC sets out the circumstances where MDC requires shareholder approval. https://www.gov.im/media/1375598/manx-development-corporation-shareholderagreement.pdf https://www.gov.im/media/1380131/variation-of-shareholder-agreement-manxdevelopment-corporation.pdf In particular Section 9 sets out those "Important Management Decisions" which require shareholder approval. The detail relating to those "Important Management Decisions" will be held by Treasury as part of its decision making process and are therefore already subject to FoI. Indeed this has enabled Treasury to respond to a number of FoI requests in relation to MDC already. Existing Disclosure Requirements • MDC is required to prepare audited financial statements that are presented to Tynwald on annual basis. These financial statements are prepared under FRS 102 (The Financial Reporting Standard Applicable in the UK and Ireland) and contain a large amount of detail relating to MDC's operations, both in terms of numeric disclosures but also via the Chair and Managing Director Reports. Nature of MDC's operations • MDC was established to operate as an arms length commercial company. Under the terms of the shareholder agreement it is anticipated that MDC will become profit making and will deliver dividends to the shareholder over time. • Commercial sensitivity is therefore a key consideration, and would likely result in FoI requests relating to any such items being redacted. • As an example, Treasury has received several FoI requests relating to MDC that ask for the anticipated costs/financial returns for certain redevelopments. Putting this information into the public domain prior to a tender process would eliminate competitive tension and cause significant harm to value for money. • Once the development is underway, the costs, and ultimately profits, will be reported in MDC's publicly available audited financial statements. In this way full transparency is provided. Information already available in the Public Domain • As mentioned above, much information relating to MDC is already in the public domain. Resourcing • MDC has 4 employees. Responding to FoI requests, some of which may be mischievous, is a significant burden and distracts the team from their core purpose.
DEFA	We are fully supportive of ongoing efforts to strengthen transparency across Government and do not have any substantive objections to what is being suggested in the original email. We will support Treasury in its efforts on this front.

Information Commissioner	The Information Commissioner has reviewed your letter of 13 May 2024 and has requested I confirm he has no concerns to the proposal of adding publicly-owned companies to Schedule 1 of the FOI Act. He would like to state that it should be ensured those companies are fully cognisant of their responsibilities, and are capable to fulfil the same, under the FOI Act prior to their addition under Schedule 1. Please let me know if there's anything further you require.
IOMSPCo	This was considered at last week's Board Meeting. The Board's thoughts are listed below: • The Company already publishes a significant amount of information in its Business Plan and its annual audited accounts. • Management fear that, given the high profile of the Company, as evidenced by widespread comment on social media, the Company will receive a disproportionate number of FoI requests relative to other bodies. • Dealing with FoI requests will require additional resource, probably at least one additional full-time employee. Such requests will inevitably increase administration and costs. Calmac advise us that they currently have 2 full-time employees and deal with up to 200 requests per year. • The task of responding to FoI requests would become particularly onerous if the provisions were applied retrospectively. The Company would strongly suggest that there should not be retrospective application. • Could the Company be given a period of time to prepare for the implementation of FoI given the strict time limits for response to requests and the likelihood of the number of requests being high in the initial period post implementation.
Treaco	I've had a chat at this end and there are no issues with Treaco being included in Schedule 1. Treaco is, currently, a dormant company and if it were to be used for anything, the appropriate exemptions can be used, if required.
The Treasury	The Treasury do not have any objections to the publicly-owned companies being listed as public authorities under Schedule 1 of the Act. As part of the consultation response the Treasury would like to make the Council of Ministers aware of the points below. Treasury's experience of processing FoI requests on behalf of the publicly-owned companies - The number of requests Treasury has received in relation to the publicly-owned companies are: o Manx Development Corporation Limited = 9 (from 29/06/23 to date) o Isle of Man Steam Packet Group Limited = 8 (from 14/07/23 to date) o Cinemanx Limited = 0 o Treaco Limited = 0

	- The requests are generally complex and where a response has been issued it has taken the full statutory processing of 20 working days to conclude the request. - A number of the requests have had absolute or qualified exemptions applied to the information which is subject to disclosure and where qualified exemptions have been applied the standard processing period has been extended, meaning the request has taken longer to respond to. Considerations - The publicly-owned companies which Treasury is shareholder of operate at arms-length from Isle of Man Government. The reason why these commercial companies operate at arms-length is they need to be able to be flexible and agile outside the inner workings/bureaucracy of Government. To add these companies to Schedule 1 of the Act will result in additional administration and effort to process freedom of information requests. - The day to day operations of these companies will be impacted by the additional administration and the requirement to meet the statutory obligations within the Act. - As a result of the above 2 points additional resources will be required by the companies to ensure the following: o There is a primary FoI Coordinator o There is suitable cover when the primary FoI Coordinator is absent from work o There is someone who is able to undertake internal reviews (separate from the FoI Coordinator). - In order to put the additional resources in place would have financial implications for the companies and therefore Treasury recommends that the publicly-owned companies require the applicant to pay a fee when requesting information, subject to regulations prescribing the fees payable being in place. - Consideration will also need to be given to the implementation of the changes specifically the lead in time and what training is provided. Training would need to cover the following non-exhaustive list: o Clarifying requests o Searches for the information o The concept of what information is held o Absolute and qualified exemptions o The internal review process o The FoI system - OCSIA have recently put a new contract in place between IOMG and the suppliers of the FoI system which includes all Public Authorities and the contract designates local administration responsibilities to the Department of Home Affairs on behalf of the Public Authorities. The Publicly-owned

	companies will need to be added to this contract if they are going to use the FoI system and a data processing agreement will also be needed between DHA and the companies being added to Schedule 1 of the Act
Cinemanx	Further to your email dated 10th May 2024, Cinemanx Ltd is writing to provide feedback towards the Internal Consultation: Freedom of Information Act 2015 (the "Act") and Publicly-Owned Companies (the "consultation"). Whilst we appreciate that there are various exemptions afforded to bodies under the Act, where, inter alia, the disclosure of the information could prejudice the commercial interests of Cinemanx Limited ("Cinemanx") and where it involved the disclosure of personal data or confidential data. For the reasons listed below, Cinemanx formally objects to being included as a public authority under Schedule 1 of the Act. *1. Cost* 1.1 Our over-riding objection is in relation to the time and cost of managing requests 1.2 Whether we release the information requested or whether an exemption is available, Cinemanx will need to consider each request in detail on its own merits (and clearly document this consideration). This will be a time consuming and expensive process 1.3 Cinemanx will often require legal advice as we are not experts in FoI requests. Cinemanx does not have the resources of the Attorney General's Chambers to utilise and therefore an external advocate will need to be utilised at significant cost. 1.4 Where we determine that we can and should release the information and/or documentation requested, the work to obtain this under the Act would result in significant additional administrative costs for Cinemanx and its subsidiaries. 1.5 The Cinemanx structure is already in discussions with Treasury to seek a cash injection into the structure. 1.6 If any requests for information are received before further funds are injected into the structure, the additional costs would severely impact the solvency of Cinemanx and its subsidiaries. Further, this lump sum will quickly erode if we have to deal with multiple requests. *2. Maintaining Trust and Confidentiality* Disclosing sensitive information could undermine trust in Cinemanx 3. *Operational Efficiency* The release of certain data might disrupt ongoing business activities 4. *Security Concerns*

	Releasing specific details could expose vulnerabilities of the Cinemanx structure 5. *Reputational Risk* Potential public scrutiny could result in unwarranted negative consequences for the current directors of Cinemanx and its subsidiaries 6. *Commercial Relationships* These added risks may lead to it becoming increasingly difficult to maintain commercial relationships. We understand that, should Cinemanx be included within the scope of the Act, Boston Limited are likely to terminate the services they currently offer. We are concerned that other service providers would take the same view of administering an entity that is subject to the Act. In light of the aforementioned reasons, we respectfully request that Cinemanx is not included within the scope of the Act. Cinemanx is committed to transparency and accountability but must balance this with the need to protect sensitive information and operate in the most cost-efficient manner. Thank you for your consideration. Should you require further information or wish to discuss the matter in more detail, please do not hesitate to contact our office.
MUA	We can confirm that PGT can be removed as now dissolved. e-llan and Manx Cable remain. No further amendments.