



Access to Public Information Request

Date of receipt: 16th April 2019

Date of response: 24th April 2019

Aurigny Shareholders and Financial Statements

Request:

I am interested in obtaining information on the Financial Accounts of Aurigny Air Services Limited. **Not** the Consolidated Accounts that are available on the internet for Cabernet Ltd which do not disclose any information on the route profitability of the services etc.

I assume the shareholders of Aurigny Air Services have sight of these accounts and that they are approved at a board meeting by the directors of both Aurigny Air Services and their Shareholder which I gather is Cabernet Ltd.

I would have thought it to be only reasonable that this information should be publically available and if not publically available then most certainly available to the shareholders which are ultimately The States of Guernsey. This means that the residents of both Alderney and Guernsey are entitled to have their questions answered in respect of this matter.

If this information is not publically available which I do not believe it to be, please could you disclose the correct authorised persons within the States of Guernsey to whom I could address my questions?

In the interests of transparency and open government, I do hope that you can assist me in this matter.

Response:

While Cabernet is owned by the States of Guernsey, it is a separate legal entity with its own Board of Directors who have fiduciary responsibilities to act in the best interests of the company.

The accounts for Aurigny Air Services (Aurigny) are provided in confidence by Cabernet Ltd to the States' Trading Supervisory Board (STSB) which is responsible for undertaking the States' role as shareholder in Cabernet Ltd. Those accounts are then consolidated with those for Anglo Normandy Aero Engineering to form the consolidated accounts published for Cabernet Ltd.

Aurigny operates in a competitive marketplace. Most air services to and from Guernsey operate in an "open skies" environment. Air services to and from Alderney are the subject of competitive tender processes under a Public Service Obligation framework. The individual accounts for Aurigny Air Services contain commercially sensitive information which would be of interest to its competitors in either of those areas and which, if published, could harm the commercial interests of Aurigny and, by extension, the States of Guernsey.

It is for this reason that the States of Guernsey publishes only consolidated financial information on the company's performance in its own Budget Report and Annual Accounts. Similarly, the States only requires Cabernet to publish its consolidated annual accounts. Neither Aurigny's individual accounts nor information on a route by route basis have ever been published.

The Code of Practice for Access to Public Information sets out exceptions to the presumption of disclosure of information. We are satisfied that the following exceptions within the Code apply in this case:

- Section 2.2 - Information whose disclosure would harm the financial interests of the States (on the basis that financial harm to Aurigny results in financial harm to the States);
- Section 2.3 – Information whose disclosure could lead to improper gain or advantage or would prejudice the effective conduct of personnel management or commercial or contractual activities (on the basis that it could prejudice the commercial and competitive position of Cabernet/Aurigny, including the PSO tender processes);
- Section 2.13 – Information including commercial confidences (including grants and loans), trade secrets or intellectual property whose unwarranted disclosure would harm the competitive position of a third party (Cabernet/Aurigny for the reasons outlined above);
- Section 2.14 – Information held in consequence of having been supplied in confidence by a person who was not under any legal obligation, whether actual or implied, to supply it, and has not consented to its disclosure (Cabernet/Aurigny Board has consistently refused to publish information at the level being sought under this request and has supplied it in confidence to the States).