



Date issued: 23 March 2018

Business names including sensitive words requiring approval

I am writing in response to your request for information dated 18 March 2018 in which you requested information regarding business names including sensitive words requiring approval.

For ease of reference, I have reproduced your questions below and set out our corresponding response.

- 1) The number of applications received by your organisation to use sensitive words in calendar year 2017;
- 2) The number of applications received by your organisation to use sensitive words in calendar year 2017 that were subsequently approved;
- 3) The names of each of the proposed businesses that applied to your organisation to use sensitive words in calendar year 2017;
- 4) The names of each of the proposed businesses that applied to your organisation to use sensitive words in calendar year 2017 that were subsequently approved;
- 5) All correspondence relating to the applications received by your organisation to use sensitive words in calendar year 2017 that were not approved.

We hold some information in the form of correspondence from three individuals in relation to the use of the following words in proposed business names: Wales, Cymru and King. The Wales Audit Office provided responses to each of these, which incorporated the following wording:

"If you are looking to incorporate a company or check which names are acceptable for a company, then we think you should contact Companies House or a qualified legal adviser (if you have not done so already). The Companies House website provides guidance: www.gov.uk/government/organisations/companies-house

I realise, however, that you may have written to us because you have read or been advised that The Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015 set out that where a name would be likely to give the impression of a connection with a public authority, the applicant must seek the

permission of the relevant body. If so, I can confirm that we do not see any likelihood of your proposal giving an impression of connection with the Auditor General for Wales or the Wales Audit Office and, accordingly, that we do not have any objection to your proposal. However, the fact that we do not object does not mean that your proposal is necessarily acceptable, as there may be other reasons why it cannot be registered – for example, if it is very similar to an existing company name.

May we take this opportunity to wish you the best with your future business.”

Information in relation to the identity of the individuals and their proposals, is the personal information of those third parties and such information falls within the personal information exemption provided by section 40(2) of the Freedom of Information Act 2000 (FOIA), which is an absolute exemption. The exemption applies because disclosure would breach the data protection principles of the Data Protection Act 1998. Accordingly, I have withheld this information.

If you wish to complain about the handling of your request, please write to Martin Peters, Law and Ethics Manager, by email to martin.peters@audit.wales or by post to 24 Cathedral Road, Cardiff, CF11 9LJ.

I must also refer you to section 50 of the Freedom of Information Act under which you may apply to the Information Commissioner for a decision on whether or not your request has been dealt with in accordance with the Act. The Information Commissioner's contact details are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
email: casework@ico.gsi.gov.uk
Tel: 01625 545745
Fax: 01625 524510

You should note, however, that the Information Commissioner would normally expect you to have exhausted our internal complaints procedures before dealing with such an application. Further guidance may be found on the Information Commissioner's website: ico.org.uk

If you have any queries, please do not hesitate to contact me.

Yours sincerely