



HM Revenue  
& Customs

# Sharing and publishing export data for public benefit

**Summary of Responses**  
November 2015

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# 1. Introduction

## Background

- 1.1 Information held by the public sector is among the most useful and valuable to be found anywhere. This is why the UK Government is at the forefront in making a step change in the availability of data held by the public sector, with the intention to deliver significant public benefits.
- 1.2 Her Majesty's Revenue and Customs' (HMRC) relationship with businesses and individuals is unique. HMRC recognises that it is important for the department to play a full part in the Government's Open Data agenda. It also wishes to improve data sharing with other public sector bodies to deliver better services across the public sector.
- 1.3 HMRC was created by the Commissioners for Revenue and Customs Act 2005 (CRCA). This legislation provides strong protection for the information that HMRC holds, prohibiting HMRC officials from sharing information except in the limited circumstances set out in the CRCA. This legislation enshrines the core principle of what is often described as 'taxpayer confidentiality'.
- 1.4 HMRC is committed to maintaining this important principle, which is essential to the effective operation of the tax system because it supports compliance and willing cooperation. It is therefore paramount that any data release has appropriate safeguards.
- 1.5 The CRCA prohibition on disclosure applies to all of HMRC's information including non-identifying (general, aggregate or anonymised) information as well as information on identifiable individuals or legal entities. As a result, it is arguable that for non-identifying information the current disclosure restrictions afford more protection than is necessary.
- 1.6 General and aggregate information could be shared more readily and widely without compromising customers' confidentiality. This could help deliver more effective and efficient public services, for example, to help inform policy to improve social mobility.
- 1.7 There is the potential to deliver wider public benefits through sharing of information about exports to parallel the information that has been publicly available for over 25 years.
- 1.8 HMRC therefore carried out a consultation over the summer of 2014 on a proposal to release a limited set of export data.

## Details of the consultation

- 1.9 HMRC published the consultation document Sharing and publishing export data for public benefit on 25 June 2014. The consultation was formulated in open

terms so that it would be possible to explore fully all the issues to inform decisions. The consultation closed on 19 September 2014.

- 1.10 Chapter 1 of the consultation document set the context and the Government's plans to increase the availability of public data. HMRC already lawfully shares information about importers and the chapter set out how this might be expanded to exports; and made it clear that legislation would be required to implement any of the proposals set out in the consultation document.
- 1.11 The consultation sought responses to five specific questions.

## General Responses

- 1.12 HMRC received 15 written responses from a range of respondents. Here is the breakdown by respondent type (this is indicative – some respondents could fit into more than one category):

Type of Respondent	Number of Responses
Individuals	2
Professional / representative bodies	5
Government and public bodies	3
Businesses	5

- 1.13 HMRC wishes to thank those who responded to the consultation document and recognises the time and effort that went into the comments and contributions, which have informed consideration of the policy options.

## 2. Responses

2.1 This section provides an overview of the responses to the proposals received during the consultation, and goes on to provide additional detail on each of the five questions asked.

### Overview of comments

2.2 Many respondents welcomed the opportunity to comment, and in general, they were positive about the proposal to release limited data on exports.

2.3 The consultation document presented core proposals to:

- Publish exporters name and address, the commodity code and description of the goods they export and the month/year of export;
- Allow exceptions or opt-outs to publication.

2.4 The majority of respondents were in agreement with the principle of publication, and a very considerable majority felt that the ability to 'opt out' was useful. However, some noted the impact this could have on the overall value of the dataset.

### Responses to questions

**Q1: What potential uses and benefits do you think would arise from publishing the proposed set of export data items?**

**There were 9 responses to this question.**

2.5 Many respondents noted the potential for linking customers to potential suppliers of goods with confidence, although a minority also expressed concerns about the potential harm of making the information available to competitors, or others who could target either the market or actual shipments.

2.6 The majority of respondents also noted the potential to support the UK strategy for export growth, although this was more likely to benefit Government users or large representative bodies.

2.7 A few respondents also suggested that information relating to the export of services should, or could, be included. However, it needs to be noted that HMRC does not collect or have responsibility for data relating to the export of services.

2.8 A few respondents also saw the potential to use the data to target potential buyers of (typically professional) services. This was echoed by one respondent who was concerned at the risk of an increase in unwanted marketing mail.

**Q2: Do you think that the safeguards proposed are sufficient to mitigate any risks arising from publication?**

**There were 9 responses to this question.**

- 2.9 Most respondents were content with the safeguards proposed and including the use of an opt-out (question 5).
- 2.10 A minority noted the commercial risks of unwanted mail or other targeting of individual exporters.
- 2.11 No respondents felt that the proposed safeguards were unnecessary.

**Q3: What, if any, additional impacts and risks do you think may arise and what further safeguards should be considered?**

**There were 10 responses to this question.**

- 2.12 This question brought a range of comments from respondents. A few suggested there might be a need for a form of complaints system for exporters whose data was released, and some noted the possible commercial risks previously discussed in this response.
- 2.13 One respondent noted the difficulties of enforcing any rules limiting use of the published data if breached by companies or organisations outside the UK.

**Q4: Do you agree with the core proposal to publish exporters name and address, the commodity code and description of the goods they export and the month/year of export?**

**There were 13 responses to this question.**

- 2.14 There was a small majority in favour of release of data as proposed in the consultation, with no clear single view expressed by any type of respondent. A few suggested release of a smaller data set, excluding the exporter's details or the month, and a few indicated they would welcome the enlargement of the data set to show other information including the method of export.

**Q5: What are your views on the proposal to allow exceptions or opt-out of publication?**

**There were 12 responses to this question.**

- 2.15 As noted in the summary for question 2, the principle of an opt-out enjoyed wide support amongst respondents, with the only note of caution expressed being the reduction in the value of the overall data when then used for analysis. Some felt that the opt-out could be used to redact certain details (for example the exporter) rather than withhold all of the relevant information.

## 3. Next steps

- 3.1 This consultation generated a number of helpful, informative and constructive responses.
- 3.2 The Government has taken those responses into account by developing a plan for the release of export data as outlined in the proposal, with appropriate exception exclusions.
- 3.3 The Government will now begin the process of preparing secondary legislation, with a view to publication in the early part of 2016.
- 3.4 Provided the law goes through, we intend to publish on an appropriate HMRC website.





# Annexe A: List of participants

Association of International Courier & Express Services  
Chartered Institute of Taxation  
City of Edinburgh Council  
Creditsafe Group  
DymanicIQ  
Go Vapour  
Greater London Authority  
Information Commissioners Office  
The Institute of Chartered Accountants in England and Wales  
Motorsport Industry Association  
Panjiva  
VAT Practitioners Group  
Vertu Corporation

Two individuals also responded.