

FOI Release
Information released under the Freedom of Information Act

Title: Standardised packaging of tobacco products

Date of release: 11 August 2014

Information request:

This is a Freedom of Information request for the following:

Any Intellectual Property Office meetings, meeting notes, agendas, records of telephone conversations, or email or written correspondence with or from tobacco companies, lobby groups (e.g. retail, business, trademarks) and/or think tanks where standardised or plain packaging of tobacco products was mentioned/discussed between January 2011 and December 2013.

These organisations should include, but are not restricted to: British American Tobacco, Philip Morris International, Japan Tobacco International, Imperial Tobacco, Tobacco Manufacturers Association, Tobacco Retailers Association, Forest, Hands off our packs, Institute for Economic Affairs, Adam Smith Institute, British Brands Group, Anti-Counterfeiting Group.

Information released:

A copy of the information, which can be disclosed, is attached. (To this and three following emails.)

The remainder of the information that you requested is exempt under sections 31(1) (a) – prevention or detection of crime, 35(1)(a) – the formulation or development of government policy and 40(2) – personal data.

To explain further, one email discussion on the subject of IP enforcement has been withheld under s.31. Another email chain which discusses IP policy formulation is withheld under s.35, in addition to a passage within an email which has been redacted for the same reason. Other redactions have been made to protect the identities of junior officials and some other third parties.

Sections 31 and 35 are ‘qualified’ exemptions, under which public bodies are required to consider the balance of public interest. In reaching the decision to refuse disclosure of some of the information held, the Intellectual Property Office has concluded that the public interest in maintaining the exemptions outweighs the public interest in disclosing the information in full.

Section 40(2) provides that personal data about public officials and third parties, whose identities are essentially not within the public domain, is exempt if one of the conditions set out in section 40(3) is satisfied. Under the FOI Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act (DPA), where it would be unfair to that person. For this reason most names of individuals, positions held and direct contact details have been redacted. This is an absolute exemption and there is therefore no requirement to consider the public interest.

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