

/OIS/DOH

30/11/2012 10:34

To

CC

bcc

@bat.com

/PH3/DOH/GB@DOH

Subj Re: Dept of Health Freedom of Information

/PH3/DOH/GB@DOH, @bat.com,

ect requestE30F269B0031A0EA80257AC5005FCAC5

/OIS/DOH@DOH

/PH3/DOH/GB@DOH

Subj Re: Dept of Health Freedom of Information request

/PH3/DOH/GB@DOH,

@bat.com,

Dear	34		
My confirmation attached		(8)	
- BAT reply commercially sensitive 30 Nov.doc			¥
Thank you			
Tobacco Control Programme Dept of Health		2	
tel 020			

29/11/2012 17:28

Dear

Thank you for your email and letter below, to which we respond as attached.

To

CC

ect

Best wishes.

Head of Legal UK & Ireland Email: @bat.com
Mob: Office: +44
British American Tobacco UK Limited A company registered in England and Wales Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ Registered number: 02346565
From: @dh.gsi.gov.uk To: @bat.com Cc: @dh.gsi.gov.uk, @bat.com, @dh.gsi.gov.uk Date: 27/11/2012 15:03 Subject: Dept of Health Freedom of Information request
Dear
Please find my letter attached. Thanks for your help with this FOI request. You will see that I am asking for further clarification on commercial sensitivity.
(See attached file: BAT reply to third party respone 27 Nov.doc)
Tobacco Control Programme Dept of Health
tel 020
@bat.com

13.8000000年45	@bat.co
m	

26/11/2012 16:44

VOIS/DOH@DOH

To

VPH3/DOH/GB@DOH, @bat.com, WPH3/DOH/GB@DOH

Re: Fw: Dept of Health Freedom of Information request Subject

Dear

Please see the attached letter.

With best regards

Head of Legal UK & Ireland Email @bat.com

Mob: 07715 612541 Office: +44 1296 335360

British American Tobacco UK Limited A company registered in England and Wales Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ Registered number: 02346565

From: //Aylesbury/GB/BATCo
To: @dh.gsl.gov.uk
Co: @dh.gsl.gov.uk, @dh.gsl.gov.uk,

/NL/BATCo@BA

Date: 23/11/2012 09:27 Subject: Fw: Dept of Hea

: Fw: Dept of Health Freedom of Information request

Dear _____

Thank you for your email and letter received yesterday afternoon, sent to me by my colleague

Please note that Is currently away from the business on long term leave, and I would therefore be grateful if you could update your records to replace contact details with those of who is copied on this email, until further notice.

We are currently considering the content of your letter. Mindful of the deadline for reverting that you have imposed, and for our own ease of reference, please could you email to us a complete set of the correspondence in question following which we will revert to you.

Again mindful of Monday's deadline, if you were able to furnish us with the documents this morning that would be most helpful.

Yours sincerely

Head of Legal UK & Ireland Email: @bat.com

Mob: Office: +44

%BUK%

----- Forwarded by // Aylesbury/GB/BATCo on 23/11/2012 09:16 -----

From: /Aylesbury/GB/BATCo
To: /Aylesbury/GB/BATCo

Date: 22/11/2012 14:06

Subject: Fw: Dept of Health Freedom of Information request

%BUK%

---- Original Message -----

From

Sent: 22.11.2012 12:49 GMT

To:

Cc: @dh.gsi.gov.uk; @dh.gsi.gov.uk

Subject: Dept of Health Freedom of Information request

Dear

Please find attached a letter relating to a request for information received by the Department of Health that is being considered under the Freedom of Information Act 2000.

To enable us, in reaching a decision on this FOI Act request, to consider any points you wish to make, I would be grateful if you could respond to me by close Monday 26 November 2012 if at all possible. I am sorry for the short deadline, please let me know if this presents any difficulty.

(See attached file: BAT third party letter 21 Nov.doc)

Tobacco Control Programme Dept of Health

tel 020

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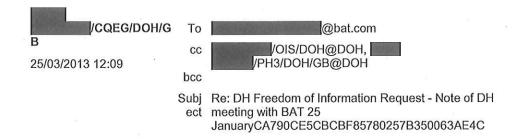
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DH users see Computer virus guidance on Delphi under Security in DH, for details. In case of problems, please call the IT support helpdesk.[attachmer Letter to DH 29 Nov 2012.pdf" deleted by OIS/DOH]	
- FOI Letter to DH 29 Nov 2012.pdf	

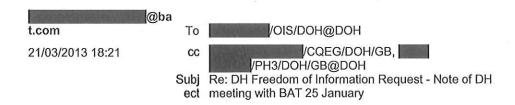


Dear

Thank you for your email and for the comments on the note of the meeting on 25 January. We are considering these comments and will get back to you with any comments we have or to confirm the final note of the meeting.

Tobacco policy manager

Department of Health | Wellington House | 133-155 Waterloo Road | London SE1 8UG | tel - 020 @dh.gsi.gov.uk



Dear

With reference to your note below regarding an FOI request, I would request the following before any information is released:

1. That the following names are redacted from the note due to the fact that they will be deemed as personal information:

2. That only the final, agreed version of the note of the meeting is released instead of your initial draft which you sent to me on 13 March. Earlier today, I have responded with my suggested amendments to this draft, which I now believe truly and fully reflects the discussion held.

I look forward to receiving your confirmation of the above.

With best regards,

(Acting) Head of Corporate & Regulatory Affairs British American Tobacco UK & Ireland

British American Tobacco UK Limited A company registered in England and Wales Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ Registered number: 02346565

From: @dh.gsi.gov.uk
To: @bat.com
Cc @dh.gsi.gov.uk, @

Date: 15/03/2013 13:46 Subject: DH Freedom of

DH Freedom of Information Request - Note of DH meeting with BAT 25 January

DH Freedom of Information Request

I am sorry to have to come back to you so quickly following my e-mail below, but we have now received a request for information under the Freedom of Information Act regarding the meeting on 25 January 2013.

The request asks for:

- 1. all notes taken by officials
- 2. the name and title of each individual in attendance
- 3. the date
- 4. the location

It seems to me that the note attached below contains all the information asked for and I can confirm that DH officials no longer hold any further notes from this meeting.

As you know, the FOI Act requires DH to disclose information in response to a request unless an exemption applies. There are two types of exemption in the FOI Act. The first type is an 'absolute' exemption, whereby disclosure may be withheld if the information falls within the terms of the exemption in question. The second type is 'qualified' exemption, whereby information can only be withheld if the balance of the public interest, in all the circumstances of the case, favours maintaining the exemption of the information.

Please let me know if you have any views about the question of disclosure of any information under this request, or matters that you wish us to take into consideration. All relevant factors will be taken into account when deciding whether disclosure of the information identified is required under the FOI Act, in particular where appropriate, the public interest considerations both in favour of and against disclosure.

I would be grateful if you could respond to me (copied to my datached note and any further points you may wish to make a to this FOI request. I am sorry for the short deadline but this consider any points you wish to make and reach a decision was Act deadline.	accuracy of the bout the DH re will enable us t	sponse :o
If we do not hear from you by this date, we will assume that y disclosure of the attached note. If, for any reason, it will be d deadline, please let (tel 020 kr as I will be out of the office.		by the
e e e e e e e e e e e e e e e e e e e		
Yours sincerely		
	æ li	
Tobacco Control Programme		
Dept of Health		
tel 020		
3 00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		
Thank you for coming to the meeting on 25 January		

Thank you for coming to the meeting on 25 January.

With apologies for the delay, as agreed, please find attached a draft note of the meeting for your comment. Please let me know if you would like any changes made, or if you are content with this draft.

(See attached file: Note of meeting with BAT 25 Jan.doc)

Thanks

Tobacco	Control Programme
Dept of H	and the same of th

tel 020

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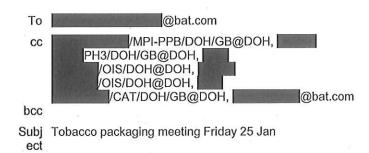
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DH users see Computer virus guidance on Delphi under Security in DH, for further details. In case of problems, please call the IT support helpdesk.

/OIS/DOH

22/01/2013 12:31



Prior to our meeting on Friday, I thought it would be helpful to set out the DH approach to handling confidential, commercially sensitive, information - please see the letter attached. We look forward to the meeting and will be happy to discuss this matter further then.

- BAT letter 22 Jan 2013.doc

Tobacco Control Programme Dept of Health tel 020

> /MPI-PPB/DOH/GB 21/01/2013 15:29



Subj Re: Confirmation date consultation on standardised ect packaging of tobacco products⁽¹⁾

Just to confirm the meeting arranged for Friday 25th January, from 10.00 - 11.30am, in Room LG02 at Wellington House, 133-155 Waterloo Road, London SE1 8UG. Map attached.

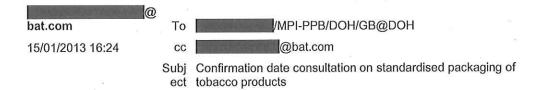
[attachment "map1.doc" deleted by

/OIS/DOH]

PA to Tabitha Brufal, Deputy Director

Tobacco & Public Health Responsibility Deal Department of Health 7th Floor North, Wellington House 133 - 155 Waterloo Road, London SE1 8UG

Tel: 020 @dh.gsi.gov.uk



Dear

With my apologies for the length of time it has taken to come back to you - caused by colleagues being away on holidays - I can now confirm that British American Tobacco would be happy to accept your invitation for the Friday 25th January between 10 am and 12 midday.

I would be grateful if you could let me have details of where the meeting will be held along with other information that may be relevant. I will soon be able to confirm who from BAT will attend the meeting.

With best regards,

(acting) Head of Corporate & Regulatory Affairs

British American Tobacco UK Limited A company registered in England and Wales Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ Registered number: 02346565

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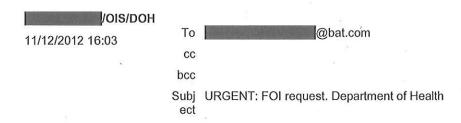
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(1) -



Hello,

Please see attached letter and documents in relation to an FOI request received by the Department of Health.



BAT third party letter 11.12.12.doc



1.1 BAT Invitation [14.11.12].doc

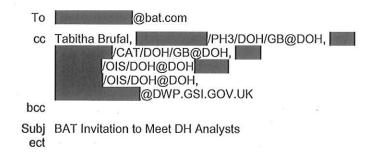
I would be grateful for a response by Tuesday 21 December.

Many thanks

Tobacco Policy Manager Tobacco Team 7th Floor, North Spur Wellington House 133 - 155 Waterloo Road London SE1 8UG

0207

OIS/DOH 14/11/2012 11:56



Dear

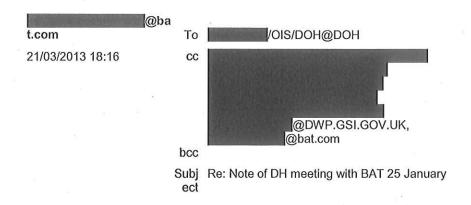
Please find attached a letter inviting representatives of BAT to meet DH analysts to discuss developing the Impact Assessment for tobacco packaging.

I hope that you will feel able to take up this offer.

I would be happy to clarify any points if that would be helpful.

- BAT Invitation.doc

Tobacco Control Programme Dept of Health tel 020



Dear

Many thanks for sharing the draft note of the meeting with me. Based on our records of the meeting, I have made some amendments to the note which I reattach and which I hope meets with your approval.

Best regards,

(Acting) Head of Corporate & Regulatory Affairs British American Tobacco UK & Ireland

British American Tobacco UK Limited A company registered in England and Wales

Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ

Registered number: 02346565



Thank you for coming to the meeting on 25 January.

With apologies for the delay, as agreed, please find attached a draft note of the meeting for your comment. Please let me know if you would like any changes made, or if you are content with this draft.

(See attached file: Note of meeting with BAT 25 Jan.doc)

Thanks

Tobacco Control Programme Dept of Health
tel 020
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DH users see Computer virus guidance on Delphi under Security in DH, for further details. I case of problems, please call the IT support helpdesk. - Note of meeting with BAT 25 Jan.doc - Note of meeting with BAT 25 Jan BAT revision.doc

/OIS/DOH 15/03/2013 13:46 To cc bcc

Subj DH Freedom of Information Request - Note of DH meeting ect with BAT 25 January

@bat.com

/CQEG/DOH/GB

DH Freedom of Information Request

I am sorry to have to come back to you so quickly following my e-mail below, but we have now received a request for information under the Freedom of Information Act regarding the meeting on 25 January 2013.

The request asks for:

- 1. all notes taken by officials
- 2. the name and title of each individual in attendance
- 3. the date
- 4. the location

It seems to me that the note attached below contains all the information asked for and I can confirm that DH officials no longer hold any further notes from this meeting.

As you know, the FOI Act requires DH to disclose information in response to a request unless an exemption applies. There are two types of exemption in the FOI Act. The first type is an 'absolute' exemption, whereby disclosure may be withheld if the information falls within the terms of the exemption in question. The second type is 'qualified' exemption, whereby information can only be withheld if the balance of the public interest, in all the circumstances of the case, favours maintaining the exemption of the information.

Please let me know if you have any views about the question of disclosure of any information under this request, or matters that you wish us to take into consideration. All relevant factors will be taken into account when deciding whether disclosure of the information identified is required under the FOI Act, in particular where appropriate, the public interest considerations both in favour of and against disclosure.

I would be grateful if you could respond to me (copied to my colleague) by Friday 22 March with your comments on the accuracy of the attached note and any further points you may wish to make about the DH response to this FOI request. I am sorry for the short deadline but this will enable us to consider any points you wish to make and reach a decision within statutory the FOI Act deadline.

If we do not hear from you by this date, we will assume that you are content with the disclosure of the attached note. If, for any reason, it will be difficult to reply by the

deadline, please let as I will be out of the office.		(tel 020		know as	soon as po	ssible
Yours sincerely						
Tobacco Control Programme Dept of Health						
tel 020						
/OIS/DOH 13/03/2013 14:11	To CC bcc	Note of DH meetii	@bat.co			
	ect	toto of DIT mootil	ng mui bAi	20 ourldary	ř	

Thank you for coming to the meeting on 25 January.

With apologies for the delay, as agreed, please find attached a draft note of the meeting for your comment. Please let me know if you would like any changes made, or if you are content with this draft.

- Note of meeting with BAT 25 Jan.doc

Thanks

Tobacco Control Programme Dept of Health

tel 020

@bat.com To 14/12/2012 12:26 CC @DWP.GSI.GOV.UK bcc Subj DH Invitation to meet BAT to discuss the tobacco packaging ect Impact Assessment absence you are dealing with our invitation to I understand that in meet to discuss the tobacco packaging impact assessment. For ease of reference I attach my original letter to of 14 November. BAT Invitation.doc I also thought you would find it helpful to have this note with more detail of the topics that we would like to discuss in the meeting.

We suggest that it would be helpful to start with a discussion of commercial confidentiality, DH responsibilities under FOI and for DH to explain how we would intend to use any information you are able to provide.

- Note for meeting with British American Tobacco on the IA for standardised tobacco packaging.doc

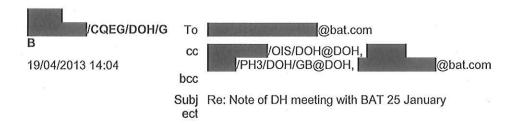
I'd be grateful if you would contact (tel 020 (tel 020) to arrange a suitable time to meet.

We look forward to the meeting

JOIS/DOH

Tobacco Control Programme Dept of Health

tel 020



Dear

Thank you for your comments on the note of the meeting. These have been considered by DH officials who attended the meeting and I include their comments in track changes in the attached document. Please let me have any further comments, by 30 April.

As you are aware, we have a had a Freedom of Information request for this meeting note and we intend to disclose it once the final note is agreed. Your other email of 21 March, requests the following:

"That the following names are redacted from the note due to the fact that they will be deemed as personal information:



Section 40 of the FOI Act provides for personal data which would not otherwise be available in the public domain to be withheld. Within the civil service, personal data of all civil servants below the level of Senior Civil Service is redacted. The reasoning behind this is that senior civil servants and their equivalents have work related details already available in the public domain and are charged with the accountability which their roles entail.

Departmental guidance is that this approach also applies when releasing the personal information of those individuals outside of the civil service. Our understanding is that these are the job titles of the meeting attendees:

(Acting) Head of Corporate & Regulatory Affairs

Head of Regulatory Policy

We consider that both these roles would meet the criteria applied to senior civil servants and the names should not be redacted. Please let me have your views on this.

Ministry of Justice guidance advises that there "may be good reason not to disclose the names of those in a public facing role if there is good reason to think that disclosure of that information could put someone at risk."

Please let me know if you think that such a situation applies in this case.



Note of meeting with BAT 25 Jan BAT & DH revisions.doc

yours sincerely

Tobacco policy manager

Dear ,

Many thanks for sharing the draft note of the meeting with me. Based on our records of the meeting, I have made some amendments to the note which I reattach and which I hope meets with your approval.

Best regards,

(Acting) Head of Corporate & Regulatory Affairs British American Tobacco UK & Ireland

British American Tobacco UK Limited A company registered in England and Wales Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ Registered number: 02346565 From @dh.gsi.gov.uk
To: @bat.com
Cc: @dh.gsi.gov.uk @dh.gsi.gov.uk, @dh.gsi.gov.uk,
Date: 13/03/2013 14:12
Subject: Note of DH meeting with BAT 25 January

Thank you for coming to the meeting on 25 January.

With apologies for the delay, as agreed, please find attached a draft note of the meeting for your comment. Please let me know if you would like any changes made, or if you are content with this draft.

(See attached file: Note of meeting with BAT 25 Jan.doc)

Thanks

Tobacco Control Programme Dept of Health

tel 020

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case of problems, please call the IT support helpdesk.
- Note of meeting with BAT 25 Jan.doc - Note of meeting with BAT 25 Jan BAT revision.doc

*

€ .

@bat.co

To Balance of Competences/OIS/DOH@DOH

27/02/2013 14:46

CC

Subj Call for evidence response from British American Tobacco

ect

Dear Sirs

Further to your call for evidence on the Governments review of the balance of competences between the EU and the UK, I now attach our British American Tobacco response for your consideration.

Please kindly confirm safe receipt of the same.

Yours faithfully

Head of Legal UK&I Tel: 01296

Mob:

British American Tobacco UK Limited

A company registered in England and Wales

Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ

Registered number: 02346565

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POF

2013-02-26 BAT response to DoH call for evidence.pdf

From:	@bat.com [mailto:	@bat.com]
Sent: 14 May 201	3 12:47	9
To:	Profession 19	
Cc:	; @bat.com';	
Subject: RE: Note	e of DH meeting with BAT 25 January	

Dear

Many thanks for your message. I confirm that I am happy with the text as you circulated yesterday.

Attached please also find evidence of OLAF endorsement of the Empty Pack Survey methodology as requested.

With best regards,

(Acting) Head of Corporate & Regulatory Affairs British American Tobacco UK & Ireland

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From:

Sent: 30 May 2013 15:17

To: @bat.com'

Subject: RE: FW: DH Freedom of Information Request

Thank you for your reply. I would just note that we do not redact business addresses as these are not regarded as personal information. On the redacting of names, you will recall from my colleague's earlier e-mail that FOI requests are considered on an individual basis and previous cases do not set a precedent.

On this occasion I will redact your name.

Yours sincerely

From: @bat.com [mailto:

@bat.com

Sent: 30 May 2013 14:09

To:

Subject: Re: FW: DH Freedom of Information Request

Dear

Many thanks for your email. I have no objections to the letter's release, on the assumption that you will as usual redact any names and addresses.

With my best regards,

(Acting) Head of Corporate and Regulatory Affairs.

Web: www.bat.com
Twitter: @BATPress

YouTube: www.youtube.com/welcometobat

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Sent: 13 May 2013 14:15 To:
Dear
Thanks for your final comments, which we have added to the note with a couple of clarifications, as attached. We consider this to be the agreed note of the meeting.
With reference to the comment on the BAT Empty Pack Survey, we would be interested in any details of the OLAF endorsement of this survey that you referred to that you are able to share with us.
On the issue of redacting names, we have noted your comments and will redact the names requested on this occasion, you will see that I have added the job titles set out in my previous email. Please note that this redaction does not establish a precedent and all Freedom of Information requests are considered on an individual basis.
We are due to finalise the response to the FOI request to release the note of this meeting tomorrow and intend to release the attached note, including the redactions you request.
Thank you
Tobacco policy manager
Department of Health Wellington House 133-155 Waterloo Road London SE1 8UG tel - 020 @dh.gsi.gov.uk
From: @bat.com [mailto: @bat.com]
Sent: 30 April 2013 16:38 To:
Sabject No. Note of Diff freeding with DAT 25 January
Dear

Many thanks for your note below.

I attach the draft note of the meeting below with some final minor comments.

Main point is that we'd challenge DH's view that names do not need to be redacted. We consider it sufficient in the public interest that the note discloses that the meeting was with BAT, and that there is no public interest served in disclosing mine or name in this instance. In addition, we are surprised at the DH's approach in drawing an analogy between senior civil servants on the one hand and senior members of private sector companies on the other. This given DH's previous approach to agree to redact names, including those of employees more senior than myself and we would have expected DH to continue with this approach as no indication was given that the DH was minded to change it.

With best regards,

(Acting) Head of Corporate & Regulatory Affairs UK & Ireland British American Tobacco

British American Tobacco UK Limited A company registered in England and Wales Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ Registered number: 02346565

 From:
 @dh.gsi.gov.uk

 To:
 @bat.com

 Cc:
 @dh.gsi.gov.uk,
 @dh.gsi.gov.uk,

 Date:
 19/04/2013 14:05

Subject: Re: Note of DH meeting with BAT 25 January

Dear

Thank you for your comments on the note of the meeting. These have been considered by DH officials who attended the meeting and I include their comments in track changes in the attached document. Please let me have any further comments, by 30 April.

As you are aware, we have a had a Freedom of Information request for this meeting note and we intend to disclose it once the final note is agreed. Your other email of 21 March, requests the following:

"That the following names are redacted from the note due to the fact that they will be deemed as personal information:

Section 40 of the FOI Act provides for personal data which would not otherwise be available in the public domain to be withheld. Within the civil service, personal data of all civil servants below the level of Senior Civil Service is redacted. The reasoning behind this is that senior civil servants and their equivalents have work related details already available in the public

domain and are charged with the accountability which their roles entail.

Departmental guidance is that this approach also applies when releasing the personal information of those individuals outside of the civil service. Our understanding is that these are the job titles of the meeting attendees:

(Acting) Head of Corporate & Regulatory Affairs

Head of Regulatory Policy

We consider that both these roles would meet the criteria applied to senior civil servants and the names should not be redacted. Please let me have your views on this.

Ministry of Justice guidance advises that there "may be good reason not to disclose the names of those in a public facing role if there is good reason to think that disclosure of that information could put someone at risk."

Please let me know if you think that such a situation applies in this case.

(See attached file: Note of meeting with BAT 25 Jan BAT & DH revisions.doc)

To

yours sincerely

Tobacco policy manager

Department of Health | Wellington House | 133-155 Waterloo Road | London SE1 8UG | tel - 020 @dh.gsi.gov.uk
----- Forwarded by CQEG/DOH/GB on 19/04/2013 13:43 ----
@bat.com

21/03/2013 18:16

/OIS/DOH@DOH

/CAT/DOH/GB@DOH, @DWP.GSI.GOV.UK,

Re: Note of DH meeting with BAT 25 January

Dear

Many thanks for sharing the draft note of the meeting with me. Based on our records of the meeting, I have made some amendments to the note which I reattach and which I hope meets with your approval.

Best regards,

(Acting) Head of Corporate & Regulatory Affairs British American Tobacco UK & Ireland

British American Tobacco UK Limited A company registered in England and Wales

Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ

Registered number: 02346565

 From:
 @dh.gsi.gov.uk

 To:
 @bat.com

 Cc:
 @dh.gsi.gov.uk,
 @dh.gsi.gov.uk,

 @DWP.GSI.GOV.UK,
 @dh.gsi.gov.uk,
 @dh.gsi.gov.uk,

 Date:
 13/03/2013 14:12

 Subject:
 Note of DH meeting with BAT 25 January

Thank you for coming to the meeting on 25 January.

With apologies for the delay, as agreed, please find attached a draft note of the meeting for your comment. Please let me know if you would like any changes made, or if you are content with this draft.

(See attached file: Note of meeting with BAT 25 Jan.doc)

Thanks

Tobacco Control Programme Dept of Health

tel 020

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revision.doc" deleted by Aylesbury/GB/BATCo]

Aylesbury/GB/BATCo] [attachment "Note of meeting with BAT 25 Jan BAT"

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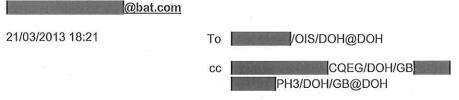
From: Sent: 25 March 2013 12:09	gr e w			
To: @bat.co	om			
Subject: Re: DH Freedom of In	formation Request - N	ote of DH meeting	y with BAT 25 Jan	uary
Dear			2. 95	
	1	10		
Thank you for your email a January. We are consider comments we have or to comments we have or to comments.	ing these commen	ts and will get b	ack to you with	
	*			
		,		
Tobacco policy manager				

Department of Health | Wellington House | 133-155 Waterloo Road | London SE1 8UG | tel - 020 @dh.gsi.gov.uk

From:
Sent: 10 April 2013 14:41
To: @bat.com
Subject: Fw: DH Freedom of Information Request - Note of DH meeting with BAT 25 January
Dear
As advised in my earlier email, DH officials who attended the meeting are
considering your comments on the note of the meeting and I will send you their
further comments for consideration.
As the note of the meeting is still in the process of being agreed, it is exempt from
disclosure at this stage under section 22 of the FOI Act. The response to the FOI
request mentioned below has been answered today and advises of this exemption
and that we anticipate the note being finalised by the end of April. It would then be
available for release for any future FOI request.
Tobacco policy manager
Department of Health Wellington House 133-155 Waterloo Road London SE1
8UG tel - 020 @dh.gsi.gov.uk

/CQEG/DOH/GB on 10/04/2013 14:15 ----

---- Forwarded by



Subject Re: DH Freedom of Information Request - Note of DH meeting with BAT 25 January

Dear

With reference to your note below regarding an FOI request, I would request the following before any information is released:

1. That the following names are redacted from the note due to the fact that they will be deemed as personal information:

2. That only the final, agreed version of the note of the meeting is released instead of your initial draft which you sent to me on 13 March. Earlier today, I have responded with my suggested amendments to this draft, which I now believe truly and fully reflects the discussion held.

I look forward to receiving your confirmation of the above.

With best regards,

(Acting) Head of Corporate & Regulatory Affairs

British American Tobacco UK & Ireland

British American Tobacco UK Limited

A company registered in England and Wales

Registered office: Oxford House, Oxford Road, Aylesbury, Bucks, HP21 8SZ

Registered number: 02346565

From:	312000	
Sent: 19 April 201:	3 14:05	
То:	@bat.com	
Cc:		@bat.com
Subject: Re: Note	of DH meeting with B	AT 25 January

Dear

Thank you for your comments on the note of the meeting. These have been considered by DH officials who attended the meeting and I include their comments in track changes in the attached document. Please let me have any further comments, by 30 April.

As you are aware, we have a had a Freedom of Information request for this meeting note and we intend to disclose it once the final note is agreed. Your other email of 21 March, requests the following:

"That the following names are redacted from the note due to the fact that they will be deemed as personal information:

Section 40 of the FOI Act provides for personal data which would not otherwise be available in the public domain to be withheld. Within the civil service, personal data of all civil servants below the level of Senior Civil Service is redacted. The reasoning behind this is that senior civil servants and their equivalents have work related details already available in the public domain and are charged with the accountability which their roles entail.

Departmental guidance is that this approach also applies when releasing the personal information of those individuals outside of the civil service. Our understanding is that these are the job titles of the meeting attendees:

(Acting) Head of Corporate & Regulatory Affairs

Head of Regulatory Policy

We consider that both these roles would meet the

We consider that both these roles would meet the criteria applied to senior civil servants and the names should not be redacted. Please let me have your views on this.

Ministry of Justice guidance advises that there "may be good reason not to disclose the names of those in a public facing role if there is good reason to think that disclosure of that information could put someone at risk."

Please let me know if you think that such a situation applies in this case.



yours sincerely

Tobacco policy manager

Department of Health	Wellington House 133-1	55 Waterloo Road	London SE1	8UG
tel - 020	@dh.gsi.gov	<u>.uk</u>		

----- Forwarded //CQEG/DOH/GB on 19/04/2013 13:43 -----

From: Sent: 21 May 2013 13:28
To:

Subject: DH Freedom of Information Request

Dear

DH Freedom of Information Request

We have received a request for information under the Freedom of Information Act regarding the letter DH sent you on 22 January 2013, as attached. This letter was referred to in the note of the meeting on 25 January which was disclosed in response to an earlier FOI request.

As you know, the FOI Act requires DH to disclose information in response to a request unless an exemption applies. There are two types of exemption in the FOI Act. The first type is an 'absolute' exemption, whereby disclosure may be withheld if the information falls within the terms of the exemption in question. The second type is 'qualified' exemption, whereby information can only be withheld if the balance of the public interest, in all the circumstances of the case, favours maintaining the exemption of the information.

Please let me know if you have any views about the question of disclosure of any information under this request, or matters that you wish us to take into consideration. All relevant factors will be taken into account when deciding whether disclosure of the information identified is required under the FOI Act, in particular where appropriate, the public interest considerations both in favour of and against disclosure.

I would be grateful if you could respond to me by **28 May** to enable DH to consider any points you wish to make and reach a decision within statutory the FOI Act deadline.

If we do not hear from you by this date, we will assume that you are content with the disclosure of the attached note.

Yours sincerely

Tobacco Control Programme

Dept of Health

tel 020