

Thank you for your request of 31 October under the Freedom of Information Act 2000 (FOIA). You made this request:

"I am requesting information under the Freedom of Information Act (2000) on correspondence between the Department for Health and tobacco manufacturers and tobacco trade bodies.

Please disclose all copies of correspondence between the Department of Health and:

- 1) *British American Tobacco*
- 2) *Imperial Tobacco*
- 3) *Philip Morris International*
- 4) *Japan Tobacco International*
- 5) *Tobacco Manufacturers Association*
- 6) *Tobacco Retailers Association*

Please disclose all correspondence, including emails, letters and text messages, for the period April 16 to October 31, including any correspondence on plain tobacco packaging."

I confirm that the Department does hold information relevant to your request.

I would first like to draw your attention to the information published on the DH website in response to an earlier FOI request received on 10 August 2012. This contains much of the information that you have requested for the period 16 April to 10 August 2012. Under section 21 FOIA information which is already reasonably accessible is exempt information and DH is not obliged to disclose it a second time. For ease of reference here is the relevant link to the information:

<http://transparency.dh.gov.uk/2012/09/13/foi-release-correspondence-about-the-governments-consultation-on-the-packaging-of-tobacco-products/>

The information now being disclosed relating to those elements of your request not already covered by the earlier FOI, is set out below, listed in relation to each part of your request.

(1) British American Tobacco

	Date in 2012	Details
1	24 August	letter from DH to Herbert Smith LLP acting for BAT relating to an FOI request
2	30 August	letter from Herbert Smith replying to DH
3	16 May	letter from BAT to DH relating to requirements of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002
4	24 August	letter from BAT to DH relating to requirements of the Tobacco Products (Manufacture, Presentation and

		Sale) (Safety) Regulations 2002
5	26 September	letter from BAT to DH relating to requirements of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002
6	26 September	from BAT to DH relating to the BAT 2012 Ingredients Submission
7	27 September	letter from BAT to DH enclosing a CD with BAT's annual ingredients disclosure
8	8 August 2	e-mails and letters from BAT to the Department for Work and Pensions, the Department for Communities and Local Government, the Home Office, the Department for Business, Innovation and Skills, and HM Treasury, all with copies of the BAT response to the tobacco packaging consultation, all passed to DH for reply
9	30 August	DH letter to BAT in reply to the 8 August BAT e-mails

(2) Imperial Tobacco

	Date in 2012	Details
1	24 August	letter to Imperial Tobacco from DH
2	30 August	letter from Imperial Tobacco replying to DH
3	12 September	letter from Imperial Tobacco to DH
4	11 October	letter from DH in reply to Imperial Tobacco
5	19 October	letter from Imperial Tobacco in reply to DH
6	29 October	letter from DH in reply to Imperial Tobacco
7	22 June	letter from Imperial Tobacco to the Secretary of State for Health
8	7 September	letter from Imperial Tobacco to the Secretary of State for Health
9	12 September	letter from Imperial Tobacco to the Minister of State for Health
10	6 August	Imperial Tobacco letters to the Secretary of State for Home Affairs and the Secretary of State for Communities and Local Government both passed to DH for reply
11	30 August	a letter from DH to Imperial Tobacco reply to the letters of 6 August
12	4 October	letter from DH to Imperial Tobacco
13	10 October	Letter from Imperial Tobacco to DH
14	23 October	e-mail from Imperial Tobacco to DH proposing a meeting
15	26 October	letter from Imperial Tobacco to DH making a request under the FOI Act
16	18 May	letter to DH from Imperial Tobacco about new cigarette brands
17	18 June	a letter to DH from Imperial Tobacco in accordance with the 1997 Voluntary Agreement on Additives

18	5 July	letter to DH from Imperial Tobacco about product de-listing
19	24 August	letter to DH from Imperial Tobacco about product de-listing
20	September	letter to DH from Imperial Tobacco about the 2012 report on product ingredients and toxicological data
21	1 October	letter to DH from Imperial Tobacco about cigarette yield information
22	15 October	letter to DH from Imperial Tobacco about new cigarette brands
23	15 October	letter to DH from Imperial Tobacco about product de-listing

(3) Philip Morris

	Date in 2012	Details
1	13 June	letter from Philip Morris to DH about certificates of compliance
2	20 June	letter from Philip Morris to DH about new brand releases
3	20 September	letter to DH from Philip Morris about the 2012 Ingredients Report
4	24 August	letter e-mailed to DH from Philip Morris about reduced harm products and a subsequent exchange of e-mails arranging to meet on 21 September 2012
5	9 August	letter to DH from Philip Morris with the Philip Morris consultation response
6	16 August	letter to Philip Morris from the Public Health Minister
7	13 August	e-mail from Philip Morris to the Secretary of State for Business, Innovation and Skills passed to DH to reply
8	15 August	e-mail from DH to Philip Morris in reply to the 13 August e-mail

(4) Japan Tobacco International

	Date in 2012	Details
1	24 August	letter from DH to JTI about an FOI request
2	31 August	JTI reply to DH
3	31 August	letter to JTI from DH
4	23 May	letter to DH from JTI for Gallaher Ltd about the requirements of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002
5	5 July	letter to DH from JTI for Gallaher Ltd relating to requirements of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002

6	8 August	letter to DH from JTI for Gallaher Ltd relating to requirements of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002
7	27 August	letter to DH from JTI relating to the JTI's 2012 Ingredient submission
8	5 September	letter to DH from JTI for Gallaher Ltd relating to requirements of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002
9	26 September	letter to DH from JTI for Gallaher Ltd relating to annual notification under the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002
10	30 April	letters from JTI to the Secretary of State for Business, Innovation and Skills, the Minister for Business, Innovation and Skills and the Economic Secretary to the Treasury, all passed to DH for reply
11	17 May	DH letter to JTI in reply to the letters of 30 April

(5) Tobacco Manufacturers Association

No information is held by DH

(6) Tobacco Retailers Association

	Date in 2012	Details
1	24 August	letter from DH to TRA relating to an FOI request
2	24 August	letter from DH to TRA relating to an FOI request
3	31 August	e-mail from TRA to DH in reply
4	10 September	e-mail from DH to TRA in reply

Please note that some of the information has been removed from the disclosed documents in accordance with Section 40 of the FOI Act. The Department considers that this information, particularly the names of third parties and officials in the Department of Health and other Government Departments who are not at Senior Civil Servant rank, is exempt from disclosure under section 40. This exemption relates to the protection of personal information which would not otherwise be available in the public domain.

In addition, some information has been withheld because we consider it to be exempt under section 43 of FOIA. Section 43 provides that information may be exempt from disclosure if it constitutes a trade secret and if its disclosure would, or would be likely to, prejudice the commercial interests of any person. Section 43 provides a qualified exemption and we must consider whether the public interest in maintaining the exemption is greater than that in providing the information requested.

While we accept that there is a general public interest in transparency and that release of information may inform the public debate, we also take into

account the strong public interest in Government maintaining constructive relations with businesses and other stakeholders on whom we rely, in certain circumstances, to provide us with information. Also, in this instance, tobacco manufacturers are required by law to provide certain information to DH and it would not be appropriate for their compliance with the law to prompt the disclosure of commercially sensitive information.

After careful consideration we have concluded that the public interest in maintaining the exemption outweighs the public interest in disclosing the requested information. We do not consider it would be of overall public benefit to disclose information that is considered to be commercially sensitive where its disclosure would be likely to compromise the future relationships with third parties. On this occasion, we consider public interest would be better served by allowing DH to conduct relationships with these third parties without fear of provoking a negative reaction.