

Commercial use of consumer data: Use of information submitted by respondents

1. This note sets out how the CMA may use information provided to us in response to our call for information. In particular, please note that we may choose to refer to comments or evidence you provide in a published report.
2. The CMA may also disclose any information provided by you for the purposes set out in sections 170 and 240 to 243 of the Enterprise Act 2002, where it considers such disclosure to be appropriate. In particular, the CMA may choose to put information provided by you to third parties, such as other government departments and other parties providing information to the CMA, for the purpose of facilitating any further related work.
3. Prior to publication or any such disclosure, the CMA will have regard to (among other considerations) the need for excluding, so far as is practicable, any information relating to the private affairs of an individual or any commercial information relating to a business which, if disclosed, would or might, in our opinion, significantly harm the individual's interests or, as the case may be, the legitimate business interests of that business (confidential information). In terms of published reports, we may, for example, summarise information received without identifying the contributor or aggregate information with other information that we have received.
4. If you wish to submit information either in writing or verbally that you consider to be confidential information, this should be indicated to us clearly at the time it is provided and an explanation given as to why you consider it to be confidential.
5. The CMA may also use information provided by you (including confidential information) for the purposes of enforcement or regulatory action by virtue of its own powers.
6. The CMA is also bound by the Freedom of Information Act 2000 (the FoIA). Under this Act, where a person makes a request in accordance with the requirements of the FoIA, the CMA may have to disclose whether it holds the information sought and may be under a duty to disclose it, unless an exemption applies.

7. The CMA is also bound by the Data Protection Act 1998 (DPA). To the extent that information you provide constitutes personal data under DPA, the CMA will process such data in accordance with that Act.