

FOI Release

Information released under the Freedom of Information Act

Title: Meetings and correspondence regarding the Pub companies & tenants consultation

Date of release: 3 June 2015

Information request

(1) A list of all meetings, correspondence or other communications since 1 January 2014 between any tied pub tenant groups, individuals representing tied pub tenants, or representatives of the Campaign for Real Ale with any ministers and/or officials of the Department for Business Innovation and Skills regarding the Pub Companies and tenants consultation, including the following details:

In the respect of meetings, the date, time and location of the meeting and names of the attendees;

In respect of the correspondence, the date of the correspondence and the names of the sender, the recipient(s) and any person(s) to whom the correspondence was copied;

In respect of the communications, the type of communication, the date on which it took place, and the parties to that communication;

Where available, provide copies of all correspondence and all records of meetings or other communications responsive to (1) above including, but not limited to, e-mails, letters and minutes and notes of meetings or telephone conversations.

Information released

A copy of the information which can be disclosed is attached.

Some of the information in scope of your request is exempt under section 21 of the Act. Section 21 states that a public authority is not required to provide information that is already in the public domain, and which is reasonably accessible to you. However given we hold the information in question we have included it in the release for ease of reference.

Other information in scope of your request is exempt under sections 35, 40 and 43 of the Act and is therefore withheld.

Section 35(1)(a) – Formulation of Government Policy

Section 35(1)(a) exempts information from being disclosed if its disclosure under the Act would or would be likely to reduce the Government's ability to protect the policy-making process and maintain the delivery of effective Government.

Section 35(1)(a) is subject to a public interest test. We recognise that there is general public interest in the disclosure of information so the public may assess the quality of policy formulation advice and guidance, to provide transparency in the decision making process and to make Government more accountable. However, there is also a public interest in ensuring that Ministers and officials feel able to discuss significant projects and related policy options as fully and frankly as possible, so as to ensure that the progress of those projects can be assisted and the development managed in the way designed to best meet the public interest. If this information were made public, we believe such frank discussion would be inhibited and the Department would be prevented from taking decisions based on the fullest understanding of the issues involved. Having considered the public interest, we conclude that the public interest in disclosing this information is outweighed by the public interest considerations in withholding the information. The Department's decision is therefore to withhold or redact this information.

Section 43(2) – Commercial interests

Section 43(2) exempts information from being disclosed if its disclosure under the Act would, or would be likely to prejudice the commercial interests of any person.

Section 43(2) is subject to a public interest test. We recognise that there is a public interest in the disclosure of information, as greater transparency enhances public scrutiny, making Government more accountable. However, there is also a public interest in ensuring that the commercial interests of businesses are not damaged or undermined by the disclosure of information which is not common knowledge, and which could adversely impact future business. In addition, disclosing the information we hold will make businesses less likely to provide the department with such information in the future, making it more difficult for Government to create policies based on sound, current business information, leading to poorer quality policy-making which is not in the public interest. Having considered all of the public interest factors in favour of and against releasing this information, we have concluded that the public interest is best served by withholding or redacting this information.

Finally, some information constitutes personal data and has been withheld or redacted. Section 40(2) of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to release the names of junior members of staff or third parties and do not think that any of the relevant conditions apply.