

# Office for the Internal Market

Transparency Consultation

Office for the Internal Market

Part of the Competition and Markets Authority

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# 1. About this consultation

## Purpose of this consultation

- 1.1 This consultation seeks the views of interested parties on the Draft Transparency Statement ('Draft Statement') which explains the policy and approach of the Office for the Internal Market ('OIM') to transparency and information disclosure in the course of carrying out its reporting, monitoring and advisory functions under Part 4 of the United Kingdom Internal Market Act 2020 ('the Act'). The Draft Statement also notes the OIM's obligations under freedom of information and data protection legislation.

## Background

- 1.2 The Enterprise and Regulatory Reform Act 2013 ('ERRA13') established the Competition & Markets Authority ('CMA') as the UK's competition authority responsible for ensuring that competition and markets work well for consumers. The CMA is an independent non-ministerial department. Its work is overseen by a Board and led by the Chief Executive and senior team.
- 1.3 The CMA's functions and powers under Part 4 of the Act are undertaken by the OIM which sits within the CMA. For the remainder of this document, we use the term OIM when referring to the CMA discharging its internal market functions.
- 1.4 The role of the OIM includes monitoring and reporting on the health of the UK internal market. It provides non-binding technical and economic advice to all four governments of the UK on the effect on the internal market of specific regulatory provisions that they introduce. Its work will assist governments in understanding how effectively companies are able to sell their products and services across the four nations of the UK, and the impact of regulatory provisions on this, including the impact on competition and consumer choice, for assessment alongside wider policy considerations. To achieve this, the OIM will ensure that it demonstrates transparency, independence, analytical rigour and even-handedness.<sup>1</sup>

## Summary of the OIM's approach to transparency

- 1.5 The OIM, and the CMA more generally, recognises the importance of being transparent in the way it works. A transparent approach ensures that those

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<sup>1</sup> For details on the scope of the OIM's work, see the [Guidance on the operation of the CMA's UK Internal Market functions](#).

directly involved in the OIM's work are treated fairly, and that other interested stakeholders can engage effectively with its work. In turn, this improves the effectiveness and efficiency of the OIM's work and enhances its visibility and impact.

1.6 In summary, the Draft Statement:

- (a) underlines the ongoing commitment of the OIM to transparency and to the adoption of best practices in all areas of its work;
- (b) explains how the OIM will be open and transparent about the work it does (including complying with the requirements of the Act and other applicable legal requirements), how long that work is likely to take, and how it will engage with those directly involved in, or otherwise affected by, its work at different stages of the process, and
- (c) explains how the OIM will handle the information that it holds, including in what circumstances and in what manner it will disclose information, subject to the applicable legal framework.

### **Status of the Statement**

1.7 The Statement constitutes a general statement of the OIM's policy and approach to transparency and disclosure. It applies to all the OIM's work under Part 4 of the Act (except where stated otherwise).

1.8 This Statement does not replace *Transparency and disclosure: Statement of the CMA's policy and approach (CMA6)*, dated January 2014, which is still in place for all of the other CMA's functions. Where appropriate, the Statement follows the principles set out in CMA6, while also making allowance for the different nature of the OIM's work.

1.9 This consultation seeks the views of interested parties on the Draft Statement that the OIM proposes to issue.

### **Scope and interaction with other guidance**

1.10 The Draft Statement applies to the OIM's work under Part 4 of the Act. Where relevant it also refers to other OIM guidance documents. The Draft Statement should be read alongside the guidance that applies to specific areas of the OIM's work and is not a substitute for that more detailed guidance.

## 2. Consultation process

### How to respond

- 2.1 We are publishing this consultation document on the OIM webpages to invite comment. We encourage you to respond to the consultation using the contact details provided at paragraph 2.4.
- 2.2 When responding to this consultation, please state whether you are responding as an individual or are representing the views of a group or organisation. If the latter, please make clear who you are representing and their role or interest.
- 2.3 In accordance with the OIM's policy of openness and transparency, we will publish non-confidential versions of responses on our webpages. If your response contains any information that you regard as sensitive and that you would not wish to be published, please provide at the same time a non-confidential version for publication on our webpages which omits that material and which explains why you regard it as confidential.

### Duration and contact details

- 2.4 The consultation will run for four weeks, from 20 April 2022 to 17 May 2022. Responses should be submitted by email no later than 11:59 p.m. on 17 May 2022 and should be sent to: [OIM@cma.gov.uk](mailto:OIM@cma.gov.uk). Any queries about the consultation should also be sent to this email address.

### Compliance with government consultation principles

- 2.5 In preparing this consultation document, the OIM has taken into account the published [government consultation principles](#), which set out the principles that government departments and other public bodies should adopt when consulting with stakeholders.

### Statement about how we use information and personal data that is supplied in consultation responses

- 2.6 Any personal data that you supply in responding to this consultation will be processed by the CMA in line with data protection legislation. For more information about how the CMA processes personal data, your rights in relation to that personal data, how to contact us, details of the CMA's Data Protection Officer, and how long we retain personal data, see our [Privacy Notice](#).

- 2.7 Our use of all information and personal data that we receive is subject to obligations regarding the protection and disclosure under the UK General Data Protection Regulation ('UK GDPR'), the Enterprise Act 2002 ('EA02'), Freedom of Information Act 2000 ('FOIA'), and the Data Protection Act 2018 ('DPA18'). 'Personal data' is information which relates to a living individual who may be identifiable from it.
- 2.8 We are processing this personal data for the purposes of our work under Part 4 of the Act. This processing is necessary for the performance of our functions and is carried out in the public interest, in order to take consultation responses into account.
- 2.9 We may wish to refer to comments received in response to this consultation in future publications. In deciding whether to do so, we will have regard to the need for excluding from publication, so far as practicable, any information relating to the private affairs of an individual or any commercial information relating to a business which, if published, might, in our opinion, significantly harm the individual's interests, or, as the case may be, the legitimate interests of that business. As described in paragraph 2.3, if you consider that your response contains such information, please identify the relevant information, mark it as 'confidential' and explain why you consider that it is confidential.
- 2.10 Please note that information and personal data provided in response to this consultation may be the subject of requests by members of the public under the FOIA. In responding to such requests, we will take fully into consideration representations made by you in support of confidentiality. We will also be mindful of our responsibilities under the data protection legislation referred to above and under the EA02.
- 2.11 If you are replying by email, this consultation document overrides any standard confidentiality disclaimer that may be generated by your organisation's IT system.

### **After the consultation**

- 2.12 After the consultation, we will decide whether to make changes to the Draft Statement. We will publish a final version of the Statement and a summary of the responses received that fall within the scope of the consultation on our webpages. As noted above, we propose to publish non-confidential versions of the responses received. These documents will be available on our webpages and respondents will be notified when they are available.

### **3. Structure of the Statement**

- 3.1 Chapter 1 of the Draft Statement is an introductory section which explains the purpose, status and scope of the document.
- 3.2 Chapter 2 states the OIM's commitment to transparency, explains why transparency is important and sets out how the OIM aims to achieve transparency in its work. It also outlines how the OIM is accountable to the public through various forms of Parliamentary scrutiny and by publishing reports.
- 3.3 Chapter 3 explains how the OIM will engage with key stakeholders and other interested persons during the course of a project. It also explains how the OIM will handle the publication of reports (including complying with the requirements of the Act).
- 3.4 Chapter 4 explains how the OIM will obtain and use information during its projects. This includes how it will engage with stakeholders when it requests information from them; and how it will consider requests for confidential treatment of sensitive material.
- 3.5 Chapter 5 explains the circumstances in which the OIM may disclose information and the factors that it will take into account in deciding whether to do so.
- 3.6 Chapter 6 explains that the OIM is required to comply with freedom of information and data protection legislation in relation to the information that it holds.
- 3.7 Annex A of the Draft Statement attaches a copy of the Process Letter that forms an integral part of the Statement.