



Make Work Pay: Strengthening the Law on Tipping

Consultation on new requirements to consult workers on tipping policies and the statutory Code of Practice on fair and transparent distribution of tips.

Date Issued: Thursday 5 February 2026

Closing Date: Wednesday 1 April 2026

Foreword

Strengthening the Law on Tipping

The passage of the Employment (Allocation of Tips) Act 2023 (“the Tipping Act”) was a welcome step. Since the law came fully into effect in October 2024, employers have been required to ensure that all tips, gratuities and service charges are allocated fairly and transparently, and that qualifying tips are passed on in full to workers – ensuring money ends up with the workers who have earned it. For ease of reference, “tips, gratuities and service charges” are referred to collectively as “tips” throughout this document.

This Government has committed to going further, protecting and enhancing the voices of workers – especially those who have traditionally had less of a voice in their workplace.

Through the Employment Rights Act 2025, we are introducing new requirements for employers to consult with workers at their place of business when developing or revising their tipping policies. Alongside this, we are consulting on the statutory Code of Practice on the fair and transparent distribution of tips, which supports employers and workers in understanding and complying with the law.

We look forward to hearing from employers and their representatives, workers and their representatives, consumers, and the wider public about how we implement this new requirement effectively.

Our aim has been to bolster the protections on tips, through both legislation and guidance, while also ensuring appropriate flexibility for all industries where tips are accepted on more than an exceptional or occasional basis. These are referred to as “tipping industries” throughout this document.

In addition, we welcome views from all of the groups and individuals referred to above, on the operation of the existing legislation and guidance to date. The Government published the [statutory Code of Practice on fair and transparent distribution of tips in 2024](#), which was later accompanied by [non-statutory guidance](#).

As well as setting out guidance and background on the new consultation requirements, we will review the existing sections of the Code of Practice, and we will make changes where helpful and necessary.

By delivering this change together, we back businesses who do the right thing and give hardworking people the job security and opportunities they deserve.

We are grateful for your time and consideration in responding to this consultation.



The Rt Hon Peter Kyle MP

*Secretary of State for Business and
Trade and President of the Board of
Trade*



Kate Dearden MP

*Minister for Employment Rights and
Consumer Protection*

Introduction

The Plan to Make Work Pay

This Government's top priority is to grow the economy and improve living standards. We are clear that you cannot build a strong economy whilst having people in insecure work. For too long, employment law has failed to keep pace with fundamental changes to how, when and where we work. This has allowed bad actors to take advantage of loopholes in the current law via exploitative practices, fuelling a race to the bottom, undercutting responsible businesses, and eroding the living standards of working people. We are clear that unfair competition, where a bad employer undercuts a good employer by reducing the terms and conditions of service for their employees, is bad for business, bad for workers and bad for growth.

Our Plan to Make Work Pay will modernise our employment rights legislation, extending the employment protections already given by the best British companies to millions more workers across the country. Strengthening this underlying framework will make work more secure and predictable, putting more money into working people's pockets and strengthening the foundations that underpin a modern economy. It will also offer dignity to those going through the toughest personal circumstances, support working families to juggle the demands of work and raising children and help more working parents to stay in the workplace. This is a win-win. Policies that improve workforce wellbeing and job satisfaction also improve retention, boost productivity, promote fair competition and economic growth.

We are committed to full and comprehensive consultation with employers, workers, trade unions and civil society. By delivering this change together, we will back employers who do the right thing and give hardworking people the security, fairness and job satisfaction they deserve. As set out in our *Implementing the Employment Rights Bill* publication (published 1 July 2025), we are taking a phased approach to engagement and consultation on these reforms. This will ensure stakeholders have the time and space to work through the detail of each measure and to help us implement each in the interests of all.

Why We Are Consulting

The Government is consulting to gather views on the new requirements on consultation and review of tipping policies.

The Government is also consulting to gather views on the existing law on tipping and the statutory Code of Practice on fair and transparent distribution of tips ("the Code of Practice"), in line with the requirement in section 27P of the Employment Rights Act, as inserted by the Employment (Allocation of Tips) Act 2023.

This consultation provides an opportunity for all interested parties and groups to review how the existing legislation operates in practice, to identify where improvements could be made, as well as considering their views about how we can most effectively implement the new requirements.

The Employment (Allocation of Tips) Act 2023 and the Code of Practice

The current legal position on tipping

The Employment (Allocation of Tips) Act 2023, which came fully into effect on 1 October 2024, marked an important step in ensuring that tips go to the workers who have earned them. The Tipping Act requires employers to ensure that tips, gratuities and service charges are allocated fairly and transparently, and that qualifying tips are passed on in full to workers, rather than being retained by the employer.

Tips must be shared fairly between the workers involved in providing service to customers and must be passed on in full to those workers by the following month in which the tips are received. Employers are not permitted to make deductions from these tips, gratuities and service charges, except where deductions are required by existing law, such as tax.

The law places a strong emphasis on fairness and transparency. Where tips are paid on more than an occasional and exceptional basis, employers must maintain a written tipping policy, setting out how tips are allocated and distributed to workers, and what steps they have taken to ensure they are handled fairly. Employers must make this policy available to workers so that they are aware of their entitlements.

In addition, employers are required to maintain a tipping record, setting out details of all the tips received at the place of business and the amount allocated to individual workers. Workers have the right to access their tipping record, to help them understand how tips have been distributed and to check they are receiving their fair share.

The existing statutory Code of Practice provides additional guidance about the fair and transparent distribution of tips and supports employers, workers and others involved where tipping is common.

The Employment Rights Act 2026

New requirements

Section 14 of the Employment Rights Act 2025 includes new requirements on consultation and review of employers' tipping policies. The clause sets out that, prior to developing a written policy, employers will be required to consult with the representatives of recognised trade unions or worker representatives, or, where there are no such representatives in place, workers likely to be affected by the policy.

The clause also sets out a requirement for the written policy to be reviewed at least once every three years. When reviews take place, employers must follow the same process of consultation with workers. Employers will also be required to make available a written, anonymised summary of the views expressed in the consultation to all workers at the place of business.

Consultation Details

Issued: Thursday 5 February 2026, 12.00pm

Respond by: Wednesday 1 April 2026, 23.59pm

Enquiries and Responses to: tipping@businessandtrade.gov.uk

Write to:

Wage Policy Team, Employment Rights Directorate
Department for Business and Trade
2nd Floor, Old Admiralty Building
Admiralty Place
London
SW1A 2DY

Consultation reference:

Strengthening the law on tipping

Audiences:

- Businesses (including micro businesses, SMEs and large businesses) in tipping industries
- Business Groups or Representatives
- Workers
- Trade Unions
- Employment Lawyers
- Payroll and Accountancy Professionals
- Troncmasters and Tronc Operators
- Non-Governmental Organisations
- Customers
- Members of the Public
- All Other Interested Parties

Territorial extent:

Tipping policy applies to England and Wales and Scotland, as a reserved matter.

It is a devolved matter in Northern Ireland, so does not apply.

How to Respond

Respond online at:

https://ditresearch.eu.qualtrics.com/jfe/form/SV_6g0wn2UMbHsCqOy

or

Email to: tipping@businessandtrade.gov.uk

or

Write to:

Wage Policy Team, Employment Rights Directorate
Department for Business and Trade
2nd Floor, Old Admiralty Building
Admiralty Place
London
SW1A 2DY

We strongly encourage that responses are made via the online platform. Using the online survey will assist our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

If you are responding in writing, please make it clear which question or paragraph number each comment relates to.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Confidentiality and Data Protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please tell us, but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We are trialling Artificial Intelligence (AI) solutions to support the delivery of our functions. Unless made expressly clear to you, we will not solely use AI to either make or inform decisions about you. We will apply effective data minimisation techniques to all such uses of your data.

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Your responses, including any personal data, may be shared with a third-party provider, or other government department or organisation acting on behalf of the Department for Business and Trade under contract or an equivalent agreement, for the purpose of analysis and summarising responses for us and they may use technology, such as artificial intelligence. Further detail on how AI is used, including its scope and safeguards and third-party sharing is available in our Privacy Notice.

An anonymised version of responses in a list or summary of responses received, and in any subsequent review reports may be published. We may also share your personal data where required to by law. You can leave out personal information from your response entirely if you would prefer to do so.

Wherever possible avoid including any additional personal data in free-text responses beyond that which has been requested or which you consider it necessary for DBT to be aware of.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#).

We will publish a government response on GOV.UK.

Quality Assurance

This consultation has been carried out in accordance with the government's [consultation principles](#). If you have any complaints about the way this consultation has been conducted, please email: enquiries@businessandtrade.gov.uk.

About You

Please provide the following information to help us understand the context of your response.

1. Please indicate whether you are responding as:

An individual

An academic, or on behalf of an academic or research organisation

An employer

A legal representative

A business representative organisation (please specify)

A trade union or staff association (please specify)

A charity or interest group

Other (please specify)

2. If responding as an employer, business, business owner or business representative, approximately what is the size of your business? If responding as an individual or worker, what size workplace are you employed in?

Micro (1 to 9 employees)

Small (10 to 49 employees)

Medium (50 to 249 employees)

Large (250+ employees)

Don't know

Not applicable

3. Which region/country are you located in?

North-East

North-West

Yorkshire and The Humber

East Midlands

West Midlands

East of England

London

South-East

South-West

Wales
Scotland

4. Which sector are you based in?

Accommodation and food service activities

Activities of households as employers; undifferentiated goods and services-producing activities of households for own use

Administrative and support service activities

Arts, entertainment and recreation

Agriculture, forestry and fishing

Construction

Education

Electricity, gas, steam and air conditioning supply

Financial and insurance activities

Human health and social work activities

Information and communication

Manufacturing

Mining and quarrying

Production

Professional, scientific and technical activities

Public administration and defence; compulsory social security

Real estate activities

Services sector

Transportation and storage

Water supply; sewerage, waste management and remediation activities

Wholesale and retail trade; repair of motor vehicles and motorcycles

Other service activities

Consultation

Distribution of Tips

The following questions are about how tips in your workplace are distributed.

Customers

1. If you are a customer, how do you usually tip? Please select all that apply.

Cash

Card

Chip or token

Other (please describe)

Don't usually tip

2. If you leave a tip, who do you expect it to go to?

To the person who served me

Split between staff

Not sure

Other (please describe)

3. If you are a customer, would you like to know how tips are distributed?

Yes

No

Not sure

Employers

The following questions are designed to be answered by employers and their representatives, including business representative organisations and trade associations. Please skip this section if this does not apply.

NOT GOVERNMENT POLICY – SUBJECT TO CONSULTATION

4. Does your workplace receive tips from customers? This may be listed as a “gratuity”, a “service charge”, or described in another way.

Yes

No

Don't know

5. If yes, does your workplace automatically add a tip/service charge to a customer's bill?

Yes

No

Don't know

Not applicable; the workplace does not receive tips from customers

6. How do you/does your workplace currently distribute tips?

Tips are paid directly to individual staff, and no pooling takes place

Worker-operated tronc, where tips are pooled and distributed by a member of staff

Employer-operated tronc, where tips are pooled and distributed by the employer or management

Third-party tronc, where tips are pooled and distributed by an external payroll or accounting provider

Don't know

Other (please describe)

7. How are tips passed on to workers? Please select all that apply.

Through payroll

Separately from pay (for example, cash or separate payment method)

Through payroll and separate from pay (for example, card tips via payroll but cash tips separately)

Don't know

Other (please describe)

NOT GOVERNMENT POLICY – SUBJECT TO CONSULTATION

8. The current law requires that all tips, gratuities and service charges are passed on to workers, without deductions. Are you confident that these requirements are followed in your workplace?

Yes

No

Not sure

9. Is there anything which makes it more difficult to fulfil the requirement to pass on all tips to workers?

[Free text]

Workers

The following questions are designed to be answered by workers and their representatives, including trade union representatives. Please skip this section if this does not apply.

10. If you are responding as or on behalf of a worker, how do you currently receive tips? Please select all that apply.

Through payroll

Separately from pay (for example, cash or separate payment method)

Through payroll and separate from pay (for example, card tips via payroll but cash tips separately)

Don't know

Other (please describe)

11. Do you understand when payments are made?

Yes

No

Not sure

12. Do you understand how your share of tips is calculated?

Yes

No

Not sure

13. How confident do you feel asking about how tips are distributed in your workplace?

Not at all confident

Slightly confident

Moderately confident

Confident

Very confident

Consultation on Allocating Tips

The changes to the law on tipping will make it mandatory for employers to consult with their workers when developing their tipping policies. If possible, this consultation should take place with trade union representatives or other worker representatives, and employers should aim to reach agreement with workers.

The changes will also require employers to review their tipping policies at least every three years, and consult with their workers when doing so.

The following questions are about consultation between employers and staff, and other factors in allocating and distributing tips between staff.

Employers

The following questions are designed to be answered by employers and their representatives, including business representative organisations and trade associations. Please skip the section if this does not apply.

14. Have you ever consulted your workers or sought their agreement on how tips are allocated and distributed?

Yes

No

Don't know

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15. If yes, what steps have you taken to seek agreement or consult with workers? Has this involved consultation with trade union representatives or other worker representatives?

[Free text]

16. If no, what has prevented you from consulting with workers to date?

[Free text]

17. Has your business produced a tipping policy?

Yes

No

Don't know

18. Is this tipping policy accessible to all workers?

Yes

No

Don't know

19. Have you received any requests to access the tipping policy?

Yes

No

Don't know (including where the policy is publicly available to all workers, for example on a noticeboard or via the intranet)

20. What factors do you consider when determining how tips are allocated in your business? Please select all that apply.

Type of role or work

Basic pay or how workers are engaged

Individual performance

Team performance

NOT GOVERNMENT POLICY – SUBJECT TO CONSULTATION

Seniority/level of responsibility

Length of service with the business

Customer intention

Don't know

Other (please describe in the next question)

21. Please describe in detail how you determine the allocation and distribution of tips.

[Free text]

22. Please describe how tips are allocated to each type of worker in your business. You may answer one or more of the options, depending on the workers you employ.

a) Agency workers

[Free text]

b) Part-time workers

[Free text]

c) Zero-hours contract workers

[Free text]

d) Other types of workers (please specify)

[Free text]

23. Will your business need to introduce new processes or systems in order to consult with workers on the tipping policy, with a view to reaching an agreement? Please explain your answer.

Yes

No

Don't know

24. If you are responding as or on behalf of an employer with multiple sites or departments, how is the distribution of tips determined?

The same policy is applied consistently across sites or departments

NOT GOVERNMENT POLICY – SUBJECT TO CONSULTATION

Policies are set locally and may differ between sites or departments

Not applicable

Other (please describe)

25. How much time do you expect it will take to design the consultation process?

Less than 30 minutes

30 minutes–1 hour

1–2 hours

2–4 hours

4–6 hours

More than 6 hours

Don't know

Other (please describe)

26. The Employment Rights Act requires that when an employer carries out consultation on their tipping policy, this should take place, where possible, with trade union representatives or other worker representatives.

Please describe how you intend to fulfil this requirement at your workplace, if applicable.

[Free text]

27. How much time do you expect it will take to analyse consultation responses and share feedback?

Less than 30 minutes

30 minutes–1 hour

1–2 hours

2–4 hours

4–6 hours

More than 6 hours

Don't know

Other (please describe)

28. What do you consider to be the main challenges in implementing the new requirements to consult with workers in your business, with a view to reaching agreement?

[Free text]

29. When the new requirements come into effect, how will you ensure that your workers are made aware of them?

[Free text]

Workers

The following questions are designed to be answered by workers and their representatives, including trade union representatives. Please skip this section if this does not apply.

30. How satisfied are you with how the allocation and distribution of tips is determined in your workplace?

Very dissatisfied

Somewhat dissatisfied

Neither satisfied nor dissatisfied

Somewhat satisfied

Very satisfied

NOT GOVERNMENT POLICY – SUBJECT TO CONSULTATION

31. Has your employer ever consulted with you or sought your agreement on their policy for allocating and distributing tips?

Yes

No

Don't know

32. If yes, what steps has your employer taken to consult or seek agreement with staff?

[Free text]

33. What factors do you think should be considered in your workplace when determining the allocation and distribution of tips? Please select all that apply

Type of role or work

Basic pay or how workers are engaged

Individual and/or team performance

Seniority/level of responsibility

Length of service with the business

Customer intention

Don't know

Other (please specify)

34. Please describe in as much detail as possible how the allocation and distribution of tips is determined in your workplace.

[Free text]

35. Are there any issues with your employer's existing tipping policy? Please select all relevant issues.

Tips are not shared with workers and retained by employer

Tips are unfairly allocated across staff

Tips can lead to workplace disputes

Employer does not have a written tipping policy

NOT GOVERNMENT POLICY – SUBJECT TO CONSULTATION

Other (please specify)

36. What specific steps would you like to see your employer take when consulting with workers about the allocation of tips?

[Free text]

37. How would you like to be consulted about the allocation of tips?

Direct engagement with trade union/worker representatives

Meetings with all workers

Staff bulletin

Email/letter

Other (please specify)

38. How long do you expect it will take trade union representatives, worker representatives and/or workers to respond to a consultation exercise?

10–20 minutes

20–30 minutes

30 minutes–1 hour

More than 1 hour

39. The Employment Rights Act requires that when an employer carries out consultation on their tipping policy, this should take place, where possible, with trade union representatives or other worker representatives.

If you are responding as a trade union representative or other worker representative, how long do you expect it will take you to engage with other workers ahead of representing them in consultation with your employer?

10–20 minutes

20–30 minutes

30 minutes–1 hour

More than 1 hour

Not applicable

40. If you are responding as a trade union representative or other worker representative, please describe in as much detail as possible how you intend to engage with other workers ahead of representing them in consultation with your employer.

[Free text]

Government Guidance

The following questions are about the statutory and non-statutory government guidance on tipping. Links to these documents are provided in the Gov.UK page for this consultation.

41. To date, have you been aware of the statutory Code of Practice on fair and transparent distribution of tips, published by the Department for Business and Trade?

Yes – good understanding of the Code of Practice

Yes – I have heard of the Code of Practice, but I am unaware of the detail

No

Don't know

42. The government will be making some changes to the Code of Practice. Are there any areas of the existing Code of Practice which could be improved to be more helpful or clear?

[Free text]

43. To date, have you been aware of the non-statutory guidance on distributing tips fairly, published by the Department for Business and Trade?

Yes – good understanding of the non-statutory guidance

Yes – I have heard of the non-statutory guidance, but I am unaware of the detail

No

Don't know

44. Are there any areas of the non-statutory guidance which could be improved to be more helpful or clear?

[Free text]

45. Would you like to see further guidance provided on any of the below? Please select all that apply.

Tipping policy guidance or template

Tipping record guidance or template

Template for requesting tipping record

Guidance on different branches of a business

Guidance on tips and agency workers

Guidance on consulting with trade union representatives or other worker representatives

Other (Please describe)

Enforcement

46. If you are a worker or worker representative, how confident do you feel about pursuing further action, such as through Acas or the employment tribunal system, to ensure the requirements on tipping are effectively and fairly applied?

Confident

Not confident

Unsure

Not applicable

47. Is there anything that could be improved in the process for pursuing further action, such as through Acas or the employment tribunal system, to ensure the requirements on tipping are effectively and fairly applied?

[Free text]

Next Steps

The consultation will remain open for 8 weeks. It will close on Wednesday 1 April 2026.

After this, the Department for Business and Trade will analyse all submissions and responses, and take the views into account. We will publish a full government response and an updated statutory Code of Practice later in 2026.

It is expected that the new legal requirements and updated Code will come into effect in October 2026, but we will confirm the exact arrangements in due course.

Summary of Consultation Questions

Distribution of Tips

1. If you are a customer, how do you usually tip? Please select all that apply.
2. If you leave a tip, who do you expect it to go to?
3. If you are a customer, would you like to know how tips are distributed?

Employers

4. Does your workplace receive tips from customers? This may be listed as a “gratuity”, a “service charge”, or described in another way.
5. If yes, does your workplace automatically add a tip/service charge to a customer’s bill?
6. How do you/does your workplace currently distribute tips?
7. How are tips passed on to workers? Please select all that apply.
8. The current law requires that all tips, gratuities and service charges are passed on to workers, without deductions. Are you confident that these requirements are followed in your workplace?
9. Is there anything which makes it more difficult to fulfil the requirement to pass on all tips to workers?

Workers

10. If you are responding as or on behalf of a worker, how do you currently receive tips? Please select all that apply.
11. Do you understand when payments are made?
12. Do you understand how your share of tips is calculated?
13. How confident do you feel asking about how tips are distributed in your workplace?

Consultation on Allocating Tips

Employers

14. Have you ever consulted your workers or sought their agreement on how tips are allocated and distributed?
15. If yes, what steps have you taken to seek agreement or consult with workers? Has this involved consultation with trade union representatives or other worker representatives?
16. If no, what has prevented you from consulting with workers to date?
17. Has your business produced a tipping policy?
18. Is this tipping policy accessible to all workers?
19. Have you received any requests to access the tipping policy?
20. What factors do you consider when determining how tips are allocated in your business? Please select all that apply.
21. Please describe in detail how you determine the allocation and distribution of tips.
22. Please describe how tips are allocated to each type of worker in your business. You may answer one or more of the options, depending on the workers you employ. a)

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Agency workers; b) Part-time workers; c) Zero-hours contract workers; d) Other types of workers (please specify).

23. Will your business need to introduce new processes or systems in order to consult with workers on the tipping policy, with a view to reaching an agreement? Please explain your answer.
24. If you are responding as or on behalf of an employer with multiple sites or departments, how is the distribution of tips determined?
25. How much time do you expect it will take to design the consultation process?
26. The Employment Rights Act requires that when an employer carries out consultation on their tipping policy, this should take place, where possible, with trade union representatives or other worker representatives. Please describe how you intend to fulfil this requirement at your workplace, if applicable.
27. How much time do you expect it will take to analyse consultation responses and share feedback?
28. What do you consider to be the main challenges in implementing the new requirements to consult with workers in your business, with a view to reaching agreement?
29. When the new requirements come into effect, how will you ensure that your workers are made aware of them?

Workers

30. How satisfied are you with how the allocation and distribution of tips is determined in your workplace?
31. Has your employer ever consulted with you or sought your agreement on their policy for allocating and distributing tips?
32. If yes, what steps has your employer taken to consult or seek agreement with staff?
33. What factors do you think should be considered in your workplace when determining the allocation and distribution of tips? Please select all that apply.
34. Please describe in as much detail as possible how the allocation and distribution of tips is determined in your workplace.
35. Are there any issues with your employer's existing tipping policy? Please select all relevant issues.
36. What specific steps would you like to see your employer take when consulting with workers about the allocation of tips?
37. How would you like to be consulted about the allocation of tips?
38. How long do you expect it will take trade union representatives, worker representatives and/or workers to respond to a consultation exercise?
39. The Employment Rights Act requires that when an employer carries out consultation on their tipping policy, this should take place, where possible, with trade union representatives or other worker representatives. If you are responding as a trade union representative or other worker representative, how long do you expect it will take you to engage with other workers ahead of representing them in consultation with your employer?
40. If you are responding as a trade union representative or other worker representative, please describe in as much detail as possible how you intend to engage with other workers ahead of representing them in consultation with your employer.

Government Guidance

41. To date, have you been aware of the statutory Code of Practice on fair and transparent distribution of tips, published by the Department for Business and Trade?
42. The government will be making some changes to the Code of Practice. Are there any areas of the existing Code of Practice which could be improved to be more helpful or clear?
43. To date, have you been aware of the non-statutory guidance on distributing tips fairly, published by the Department for Business and Trade?
44. Are there any areas of the non-statutory guidance which could be improved to be more helpful or clear?
45. Would you like to see further guidance provided on any of the below? Please select all that apply.

Enforcement

46. If you are a worker or worker representative, how confident do you feel about pursuing further action, such as through Acas or the employment tribunal system, to ensure the requirements on tipping are effectively and fairly applied?
47. Is there anything that could be improved in the process for pursuing further action, such as through Acas or the employment tribunal system, to ensure the requirements on tipping are effectively and fairly applied?

Legal Disclaimer

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If you want the information you provide to be treated confidentially, please be aware that in accordance with the FOIA and EIR, public authorities are required to comply with a statutory regime and code of practice which deals with, amongst other things, obligations of confidence.

In view of this, it would be helpful if you could explain to us why you wish that information to be treated confidentially. If we receive a request for disclosure of information that has been provided, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances

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on Article 9(2)(g) UK GDPR, which allows us to process special category data where there is substantial public interest.

If your personal data is used for research purposes, we will apply suitable safeguards, such as anonymisation, pseudonymisation, and data minimisation, to ensure that your data is processed only when necessary, and always in a lawful and secure manner.

Compatible research purposes may include analysis to further DBT policy development, or to analyse public consultation responses or similar requests for information from the public.

We are trialling Artificial Intelligence (AI) solutions to support the delivery of our functions. In accordance with data protection law and ICO guidance, we will not use AI alone to make decisions about you, or to inform decisions about you, unless this has been made expressly clear to you in advance. Any use of AI will be subject to appropriate human oversight.

We will apply effective data minimisation techniques to all uses of your personal data, ensuring that only the minimum necessary information is processed.

Your responses, including any personal data, may be shared with:

- a third-party provider,
- another government department, or
- an organisation acting on behalf of the Department for Business and Trade under contract or an equivalent agreement that safeguards your personal information in line with DBT requirements.

These parties may use technology, including artificial intelligence, for the purpose of analysing and summarising responses, but only in accordance with DBT's agreed terms and applicable data protection law.

We will not:

- sell or rent your data to third parties
- share your data with third parties for marketing purposes

We may publish a list or summary of responses in an anonymised form, including in any subsequent review reports. "Anonymised" means that all information which could identify you has been removed, so that individuals cannot be identified from the published data. We may also share your personal data where required to by law.

You can leave out personal information from your response entirely if you would prefer to do so.

Wherever possible please avoid including any additional personal data in free-text responses beyond that which has been requested or which you consider necessary for DBT to be aware of.

We will only retain your personal data for as long as:

- it is needed for the purposes of the consultation;
- it is needed to archive in the public interest, or scientific, historical, or statistical research, in accordance with Article 89 UK GDPR and the Data Protection Act 2018 (DPA);

- the law requires us to.

This generally means that we will hold your personal data for at least one year.

Your Rights Under Data Protection Law

Under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA), when your personal data is processed on the basis that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (Article 6(1)(e)), and, where relevant, for reasons of substantial public interest (Article 9(2)(g)), you are entitled to exercise the following rights:

- **Right of Access:** You can request copies of the personal data we hold about you.
- **Right to Rectification:** You can ask us to correct any personal data you believe is inaccurate or incomplete.
- **Right to Restriction:** You can request that we restrict the processing of your personal data in certain circumstances (for example, if you contest its accuracy or object to its processing).
- **Right to Object:** You can object to the processing of your personal data where it is processed on the basis of public task, in certain circumstances.
- **Right to Data Portability:** In some cases, you may request that your personal data is provided to you or another organisation in a structured, commonly used and machine-readable format.
- **Right to Erasure:** You can request that we erase your personal data in certain circumstances (for example, if it is no longer necessary for the purposes for which it was collected).
- **Right not to be subject to automated decision-making:** You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal or similarly significant effects.

Please note that these rights are subject to certain conditions and exemptions under data protection law. If you wish to exercise any of these rights, or would like more information, please contact the Data Protection Officer at data.protection@businessandtrade.gov.uk.

You can also submit a complaint to the Information Commissioner's Office (ICO) at:

Information Commissioner's Office Wycliffe House:
Water Lane, Wilmslow, Cheshire, SK9 5AF
W: <https://ico.org.uk/> Tel: 0303 123 111