

FOI Release
Information released under the Freedom of Information Act

Title: Evidence on self-regulation of the pubs industry

Date of release: 27 March 2013

Information request

All the submissions to Vince Cable's call for evidence (7 November 2012) on the success of the self-regulation of the pubco/tenant relationship. In particular the missing submission from the British Institute of Innkeeping, which has not been published by BIS.

Also any additional submissions which were not published by BIS.

Information released

The 'missing submission' from the BII has already been published by BIS, alongside the other submissions received. It appears under the heading "Raising Standards in Licensed Retail" at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/70223/call-for-evidence-new-proposals-to-stand-up-for-british-pubs-and-prevent-unfair-practices-responses1.pdf

Only one submission has not previously been published by BIS. A redacted copy of this submission is attached.

The redacted information is exempt under s.40(2) (Personal Information) of the FOI Act, which provides that personal data about third parties is exempt information if one of the conditions set out in s. 40(3) is satisfied. Under the Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act, where it would be unfair to that person.

The submission in question was sent in by an individual, rather than an organisation. We are of the view that it would be unfair to release that individual's personal information as a) that individual has specifically refused consent on the basis that if their name became known, this could result in commercial detriment due to victimisation and b) that the release of the information would cause unnecessary distress or damage to the person.

Even if s.40 were held not to apply, we are of the view that the redacted information is also exempt under s.43(2) (commercial interests) as the disclosure of the information would be likely to prejudice the commercial interests of that person. This view was implicitly endorsed by three organisations who made other submissions to the call for evidence and who independently said that while they would be happy for their own submission to be made public, they would have concerns if the names of any individual tenants were released. Although we are not in a position to judge definitively whether or not victimisation would occur, it appears at least plausible that releasing the information could cause unnecessary or unjustified distress or damage to the person.

S.43(2) is a qualified exemption and therefore subject to the public interest test. In assessing this, we have noted that BIS has already released every other submission we received, which included responses from all the major trade bodies and lobby groups involved in the industry. The release of this information has provoked a good discussion of what information was received and increased understanding of how and why the Government made the decision it did. The arguments set forth in the withheld submission are substantively similar to those released previously and, furthermore, the gist of these arguments can be clearly gained without the need for any of the information that might identify the individual. Therefore, we do not see that releasing the redacted information would fundamentally add to the knowledge already in the public domain and we judge that the public interest lies in releasing the information with the relevant information redacted.