

**Response (for the request, please see below)
29 March 2010**

I am writing to confirm that the Gambling Commission (the Commission) has now completed its search for the information which you requested on 1 March 2010 and amended on 8 March 2009. You asked four questions and we will answer each of these in turn.

1. The names and job titles of any person employed by your public body (either as a staff member, a freelancer, a contractor), who was paid over £100,000 in the financial years 2009/10 and 2008/9. I appreciate that 2009/10 isn't over yet but as most of the people listed above are on fixed salaries can you please tell me who is on over 100 grand for this year?

Information regarding our employees paid more than £100,000 in 2008/09 are listed on page 32 of the annual report:

<http://www.gamblingcommission.gov.uk/pdf/annual%20report%20and%20accounts%20-%20revised%20version%20november%202009.pdf> This is in line with guidance provided by the Information Commissioner's Office (ICO):

http://www.ico.gov.uk/upload/documents/pressreleases/2009/salaries_guidance_final230209.pdf

Information regarding employees paid more than £100,000 in 2009/10 will be published in the Commission's next annual report which will be published in July. Under section 22 of the Freedom of Information Act 2000 (the Act) information is considered exempt information if "the information is held by the public authority with a view to its publication ... at some future date" (s.22(1)(a)). Section 22 is subject to the public interest test with the result that the public interest in disclosing the requested information must be weighed against the public interest in maintaining the exemption. Having considered the matter the Commission's opinion is that the balance of public interest is best served in maintaining the exemption.

The Commission recognises that there is a legitimate public interest in promoting the accountability and transparency of public authorities. However, in considering the balance of the public interest, the Commission is minded to consider that its annual report is audited by the National Audit Office and laid before Parliament and should not be made publicly available in full or part until after these events have occurred.

With regard to non-employees, this information is not contained within our annual report. In the year 2008/09 financial year the Commission paid approximately £230k to a specialist IT contractor. In the year 2009/10 there have been none to date and none are foreseen. Section 40 ('Personal information') of the Act provides that information is exempt from disclosure if it constitutes personal data and disclosure would contravene any of the principles of data protection. Consequently the Commission will not be providing you with the name of the non-employee as we consider this to be unfair processing (Principle 1 of the Data Protection Act 1998).

2. If anyone left in the middle of a financial year but would have earned £100,000 or more had they stayed on, can you tell us about them as well, please?

With regard to our employees this information is in our annual reports, or will be (see above). We can confirm that there were no instances of this relating to non-employees for either year and none are foreseen.

3. Can you tell us who signed off on these £100,000+ incomes... (e.g. was it a select committee, the Head of HR, the boss (and if it was the boss who was on over £100,000 a year who agreed on his or her salary).

Senior Salaries are approved by the Commission's Remuneration Committee and, in the case of the Chief Executive, by the Department for Culture, Media and Sport. The Commission's Management Board approves non-employee appointments.

4. Can you please give us the details of any bonuses, pension contributions, over-time extras, 'golden handshakes', 'golden farewells' and redundancy payments that the people you mention above received in the financial years 2008/9 and 2009/10?

This information is also included in our annual reports, or will be (see above).

Request

I am writing to request some information under the Freedom of Information Act 2000. In order to assist you with my request I have outlined my query with as much information as possible.

Please can you supply me the following:

- 1) The names and job titles of any person employed by your public body (either as a staff member, a freelancer, a contractor), who was paid over £100,000 in the financial years 2009/10 and 2008/9. I appreciate that 2009/10 isn't over yet but as most of the people listed above are on fixed salaries can you please tell me who is on over 100 grand for this year?
- 2) If anyone left in the middle of a financial year but would have earned £100,000 or more had they stayed on, can you tell us about them as well, please?
- 3) Can you tell us who signed off on these £100,000+ incomes... (e.g. was it a select committee, the Head of HR, the boss (and if it was the boss who was on over £100,000 a year who agreed on his or her salary).
- 4) Can you please give us the details of any bonuses, pension contributions, over-time extras, 'golden handshakes', 'golden farewells' and redundancy payments that the people you mention above received in the financial years 2008/9 and 2009/10?

Given that the Prime Minister (salary c. £185,000 a year) has said he wants a similar list made public, I am sure you will be more than happy to hand over the above details in less than the expected 20 day FOI time frame.

Please can common sense and transparency and NOT obfuscation rule your response to this request. If someone is on £100,000 or more a year, we'd like to know who they are and what they do.

I believe this request conforms with the 6th condition of schedule 2 of the Data Protection Act and that there is a legitimate public interest in knowing the details of the amount of money spent on employing senior staff of public authorities. And is in accordance with the Information Commissioner Awareness Guidance that states where individuals: 'carry out public functions, hold elective office or spend public funds they must have the expectation that their public actions will be subject to greater scrutiny than would be the case in respect of their private lives'. There can be no legitimate privacy argument for officials being paid with public money to carry out public functions.

I also refer you to the ruling in the cases of Corby Borough Council, August 2005 and the House of Commons V Information Commissioner and Brooke, Leapman and Thomas, 26th February 2008 where the information Commissioner ruled that the public interest in disclosure of salaries outweighed the right to privacy under section 40 (2) of the FOIA.