

## Response

Thank you for your requests for the following information:

1. Information held by the Gambling Commission concerning discussions identified in point 1.3 of the Gambling Commission document of March 2013 – Research into Gaming Machines. I particularly require information on the subject of FOBT or B2 stake size between David Excell, co-founder and CTO of Featurespace, and the Gambling Commission.
2. Information held by the Gambling Commission concerning discussions identified in point 1.3 of the Gambling Commission document of March 2013 – Research into Gaming Machines. I particularly require information on the subject of FOBT or B2 stake size between Heather Wardle, Associate Research Director at NatCen Social Research, and the Gambling Commission.

Your requests centred on the “Gambling Commission document of March 2013 – Research into Gaming Machines.” Given your recent requests on this topic, we have understood this to be the Research into Gaming Machines from March 2015.

On this basis, I can confirm that we do hold information within scope of this request. A meeting took place between representatives of the Commission and the researchers on 25<sup>th</sup> February 2015 to discuss the research and particularly the scope for, and feasibility of, further analysis. Relevant analyses have since been commissioned by the Responsible Gambling Trust and we expect them to be published in due course. In the meantime, we are of the view that a safe space should be maintained to allow officials to discuss the finer details of such research products. The Gambling Commission’s Qualified Person is of the opinion that disclosing this information would be likely to prejudice the provision of advice or the exchange of views. This information is therefore exempt from disclosure under section 36 of the Freedom of Information Act 2000.

### **Explanation of exemption - 36(2)(b)(i) and (ii)**

The Commission is under a statutory duty to advise government. In order to do this, Commission officials need to be able to express themselves honestly and openly in order to provide full advice on a wide range of options to enable the correct decision to be made. The Commission is the public authority with the most knowledge and experience of the gambling sector. In order for government policy to be well informed, Commission officials require the ability to provide sufficiently detailed advice and outline all options without the fear that the information would be unduly disclosed. Officials from the Commission and research providers need to be able to discuss issues in a free and frank manner to ensure well informed decisions are made based on a consideration of all available options. Disclosing such information is likely to prejudice the quality of future decision making as it would prevent officials from having free and frank discussions, as well as impacting on the quality of advice that this process is part of developing.

### **The public interest test**

In considering the public interest test, we have identified the following points:  
In favour of disclosure:

- Disclosure of information held by public authorities on request is in itself of value and in the public interest so as to promote transparency and accountability in relation to the activities of public authorities.

- The quality of advice and the content of deliberations by officials may improve if there was an expectation of the information being made publically available.
- Releasing discussions around the research programme would help the public understand this process.

In favour of maintaining the exemption:

- There is a public interest in the Commission having the opportunity to robustly explore options in relation to the development of policy in the knowledge that undeveloped proposals will not be disclosed.
- Without the ability to freely deliberate, the quality of decision making would be greatly impaired as not all options would be fully considered.
- There is a public interest in the Commission being able to discuss issues freely and frankly to advise DCMS and ensure the best decisions and outcome in regard to the formulation of policy. With an expectation that all such advice would be publically disclosed, officials would necessarily be more reserved in their willingness to fully engage in important matters resulting in less informed advice and an impact on subsequent decisions.
- The debate around B2 gaming machines is very much a live issue which makes the need for a safe space to formulate advice more relevant.
- The finalised advice is publically available, as is the supporting RGSB advice and RGT research.

Weighing the balance

The main drivers in relation to disclosing the information requested rest around the transparency of government in decision making. This has to be weighed against the impact that disclosure would have upon the quality of the decision making process and the ability of officials to have free and frank exchanges and provide comprehensive advice to government. On balance, the greater public interest is, in our view, held in preserving the ability of officials to provide definitive advice and fully discuss matters so that well informed policy decisions are taken. Given the detailed advice and research already published, the public interest in transparency is satisfied.

### **Review of the decision**

If you are unhappy with the service you have received in relation to your Freedom of Information request and wish to make a complaint or request a review of our decision, you should write to FOI Team, Gambling Commission, 4th floor, Victoria Square House, Victoria Square, Birmingham, B2 4BP.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Gambling Commission. The ICO can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

### **Request**

I write in accordance with my rights under Section 1 of the Freedom of Information Act 2000 and make the following Freedom of Information request.

I specifically require information of any type of communication whether that is by letter, email, text, voicemail, telephone, attendance notes, social media or any other forms of communications held by the Gambling Commission:

During discussions identified in point 1.3 of the Gambling Commission document of March 2013 – Research into Gaming Machines. I particularly require information on the subject of FOBT or B2 stake size between David Excell, co-founder and CTO of Featurespace, and the Gambling Commission.

during discussions identified in point 1.3 of the Gambling Commission document of March 2013 – Research into Gaming Machines. I particularly require information on the subject of FOBT or B2 stake size between Heather Wardle, Associate Research Director at NatCen Social Research, and the Gambling Commission.

I would prefer to receive this information electronically, preferably not as a PDF. If the decision is made to withhold some of this data using exemptions under the Data Protection Act, please inform me of that fact and cite the exemptions used.

If some documents which form part of this request are easier to obtain than others, then I respectfully request that you release the available information, as soon as possible.

Please contact me using the details below if you require any clarification on my request.

I should be grateful if you could confirm in writing that you have received this request and I look forward to hearing from you within the 20 working day statutory time period.