

Request

1. communications held by the Responsible Gambling Strategy Board on information regarding the inclusion of the text in point 24 I of the Machine Gambling Research report, as published on RGSB site in June 2015
2. communications held by the Responsible Gambling Strategy Board on information regarding the draft of the first copy of Machine Gambling Research report, published on RGSB site in June 2015; Advice to Gambling Commission from the Responsible Gambling Strategy Board

Response

I can confirm that information is held in relation to this request.

The RGSB advice is largely draw from the gaming machine research projects which are detailed in the appended RGSB advice note. This research is publicly available.

Discussions around the drafting took place and we are of the view that a safe space should be maintained to allow officials to discuss the finer details of such publications without external interference. 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)

RGSB 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. In order to provide advice to the Commission that is of the highest standard. This in turn supports the Commission in its statutory duty to advise government.

RGSB 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 RGSB need to be able to discuss matters of common interest 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 would not normally be written with a view to direct public disclosure.

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 drafting of advice would help the public understand this process.

In favour of maintaining the exemption:

- There is a public interest in the RGSB 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 RGSB being able to discuss issues freely and frankly to advise Commission, who in turn advise DCMS, and ensure the best decisions and outcome in regard to the formulation of policy. With an expectation that all details regarding the formulation of the 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 a negative 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 RGT research underpinning the RGSB advice is publically available.

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 Commissioners' Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.