

Response

I write further to your requests for the following information:

“correspondence between Matthew Hill (or any personnel at the Gambling Commission) and Marc Etches (or any personnel at the Responsible Gambling Trust) in 2015 regarding NatCen's evaluation of the ABB Code of Conduct”.

“any correspondence between Matthew Hill (or any personnel at the Gambling Commission) and Marc Etches (or any personnel at the Responsible Gambling Trust) from April 2015 to July 2015”.

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

The Commission works with Responsible Gambling Strategy Board (RGSB) and the Responsible Gambling Trust (RGT) under an agreed ‘assurance and governance framework’ to enable the Commission to assure itself, and therefore Government, that the combined work of RGSB and RGT contributes to minimising the level of problem gambling in Britain and to ensuring that effective treatment is available to those who require it.

All three parties are committed to the effective operation of these arrangements. The principles of the [framework](#) state:

- That all parties will work together openly and in active partnership
- That all parties will share an overriding commitment to transparency and engagement with stakeholders – and it is this transparency and engagement that will form the key underpinning of widespread trust and credibility in the new arrangements

To this end, RGSB publish a range of information, including their advice to the Commission regarding the research, education and treatment elements of a national responsible gambling strategy and the Commission publishes its response. This is then reflected in the published commissioning plans developed by RGT.

However, there is a requirement for constructive relationships to be maintained between all of the parties and a need for early engagement on issues and questions. Whilst advice, responses and other information in the public interest is published in order to ensure transparency in the work of these parties, there is the need to have a safe space where officials can discuss matters in a free and frank manner in order to fully consider issues and ensure the best outcomes are reached.

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 and would otherwise prejudice the effective conduct of public affairs. This information is therefore exempt from disclosure under section 36 of the Freedom of Information Act 2000. This is explained in the attached document.

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

Section 36 of the Freedom of Information Act 2000 (FOIA) provides that,

“Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act-

(2)(b) would, or would be likely to, inhibit-

- i. the free and frank provision of advice, or
- ii. the free and frank exchange of views for the purposes of deliberation, or

(2)(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Disclosure in this instance is likely to inhibit the ability of Commission officials and others in expressing views and deliberating issues which would in turn impair the quality of decision making. There is a need for a safe space for Commission officials to have free and frank exchanges with officials at the Responsible Gambling Trust (RGT) in order for the Commission to assure itself, and therefore Government, that the combined work of the RGT and the Responsible Gambling Strategy Board (RGSB) is effective.

The public interest test

In considering the public interest test, the Commission has 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.
- There is a clear public interest in demonstrating that the work of the parties is effective in contributing to the areas of research, education and treatment in the area of problem gambling.

In favour of maintaining the exemption:

- There is a public interest in the Commission and the RGT being able to have free and frank deliberations regarding the work of the RGT to ensure the effective operation of the arrangements that are in place.
- Disclosure would impact on the ability of the Commission and the RGT to debate live issues and reach decisions free from external interference and distraction.
- The Commission, RGT and RGSB publish extensive information regarding their work in this area already.

Balance of the public interest arguments

The main drivers in relation to disclosing the information requested rest around the transparency 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 Commission

officials to have free and frank exchanges in order to provide comprehensive advice to government and satisfy itself that the combined work of RGSB and RGT is effective.

On balance, the greater public interest is, in the view of the Commission, held in preserving the ability of officials to have free and frank discussions with RGT to ensure the effectiveness of the arrangements outlined.

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.

Request one

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 any correspondence between Matthew Hill (or any personnel at the Gambling Commission) and Marc Etches (or any personnel at the Responsible Gambling Trust) in 2015 regarding NatGen's evaluation of the ABB Code of Conduct.

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.

Request two

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.

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