

Response

Thank you for your request relating to sports betting integrity in tennis, as follows:

I would like to request data relating to suspicious betting activity on professional tennis matches in the past five years.

Please include:

- The name of the players involved (including whose performance was deemed suspicious).
- The tournament that the activity occurred at
- The date of the match
- The reasons for suspicion
- The source of the report of suspicious activity (e.g. athletics body, police, betting industry etc)

You can see from our Industry Statistics publication the number of closed cases relating to tennis since April 2012, as follows.

	Apr 2012- Mar 2013	Apr 2013- Mar 2014	Apr 2014- Mar 2015
Football	14	34	27
Other	14	12	16
Tennis	12	13	13
Greyhounds	2	5	6
Horseracing	4	7	8
Cricket	3	1	2
Total	49	72	72

We provide information through the Industry Statistics publication in order to inform the public and interested stakeholders about the nature of gambling in Great Britain. We have carefully considered the level to which we can disaggregate this information to provide as detailed a picture as possible. In certain circumstances, the Commission may release more details on investigations where it would not compromise other ongoing or future investigations but we do not release details of individual events or investigations unless there is a strong public interest in doing so.

I am able to confirm that the Commission does hold specific information that relates to your request, however due to the sensitive nature of the information I am unable to disclose the details you have requested as doing so would prejudice the ability of the Commission to effectively investigate such matters by identifying individual events. This information is exempt under section 30 (1)(a) of the Freedom of Information Act 2000 (FOIA) and is therefore being withheld.

With regards to the identity of players involved, this is personal data and is therefore exempt under section 40 of the FOIA. Section 40 states that personal data is exempt from disclosure should releasing the information be in contravention of the Data Protection Principles or likely to cause damage or distress. Both of these conditions are satisfied in this instance. If we were to identify players involved in such matches, people may infer from this

that they were involved in the manipulation of the event. Doing so in the absence of any criminal prosecution or finding of a regulatory body would not be fair processing in accordance with the first principle, and would be likely to cause reputational damage and unjustified distress to those individuals.

The Information Commissioner's Office (ICO) has previously considered an appeal in relation to disaggregated betting integrity information whereby individual events would be identifiable. The conclusion of the Commissioner in that case was that public interest in maintaining the exemption outweighed disclosure of the information requested. The Information Commissioner stated that the public interest in protecting the ability of the Gambling Commission to investigate and institute criminal proceedings in respect of offences committed under the act is greater than the public interest in disclosure. You can find the Information Commissioner's decision notice at the following link: [FS50310415](#)

Explanation of the exemption applied

Section 30

Section 30(1)(a)(i) states "Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of an investigation which the public authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence". The Commission is able to apply this exemption as section 28 of the Gambling Act sets out its powers to investigate and institute criminal proceedings in respect of offences committed under the Act.

The Public Interest Test

Having considered that the requested information is exempt under section 30(1)(a) it is necessary to consider the public interest test to identify whether there is a wider public interest in disclosing this information as opposed to maintaining the exemption.

Public interest arguments in favour of disclosure

- disclosure of the requested information could demonstrate to stakeholders and relevant parties that the Commission is active in investigating suspicious betting and that this disclosure may actually encourage stakeholders (for example Sports Governing Bodies and other law enforcement agencies) to work with us and contribute to our programme of work here
- there is a legitimate public interest in promoting accountability and transparency of public authorities
- public disclosure of this information may also, by way of demonstrating our proactive work in this area, discourage unlawful activities being pursued (which is in the public interest)

Public interest arguments in favour of maintaining the exemption

- disclosure of the requested information may prejudice the outcome of any future investigation by the Commission, or another body, to the detriment of the public interest
- identifying specific events may deter stakeholders and relevant parties from reporting suspicious betting activity to us. For example, some organisations may be less inclined to share information with us if they know we will publish or disclose it
- providing a list of the events could alert individuals involved in betting frauds to the fact that the Commission was investigating a particular case and provide them with an opportunity to alter their behaviours and evade detection. This would result in making it more difficult for the Commission to achieve its aims

Balance of public interest arguments

Given the points considered, the Commission believes that the interests of the public are better served through maintaining the exemption. The nature of the information requested may prejudice the outcome of any future investigation by the Commission, therefore we are not in a position to disclose further details.

Section 40

Section 40 of the FOIA states that personal data is exempt from disclosure should releasing the information be in contravention of the Data Protection Principles or likely to cause damage or distress.

It would be disproportionate for us to publically disclose the identity of these individuals in cases that have not resulted in a criminal prosecution or formal sanction from the Sports Governing Body. The Data Protection Act 1998 requires the processing of personal data to be fair and lawful and individuals have a legitimate expectation that their personal details will not be disclosed unnecessarily by a Data Controller.

On balance, there is no legitimate public interest in disclosing their identity and it would not be fair to do so. This information is therefore exempt under section 40(2) of the FOIA, as applied by section 40(3)(a).

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

I am making a request under the Freedom of Information Act.

I understand that the Sports Betting Intelligence Unit receives reports from industry and law enforcement about suspicious activity on the betting markets. This information is kept on a centralised database.

I would like to request data relating to suspicious betting activity on professional tennis matches in the past five years.

Please include:

- The name of the players involved (including whose performance was deemed suspicious).
- The tournament that the activity occurred at
- The date of the match
- The reasons for suspicion

- The source of the report of suspicious activity (e.g. athletics body, police, betting industry etc)

As the data is kept on a centralised database, it is likely that various fields of the database cover the information requested. Exporting the relevant fields on the database should ensure that the fullest disclosure is made, and that it is done within time limits.

Where redaction is necessary I would like to remind you that it cannot contribute to cost capping. This is referred to in ICO LTT115 and results from the case of *The Chief Constable of South Yorkshire v ICO* (EA/2009/0029). The position was further refined in *Jenkins v the Commissioner and Defra* (EA/2006/0067), which upheld the Information Commissioner's position that redaction may not contribute to cost capping.

With regards to S40 of the act, there are grounds for the full release of the data. The matches were held in public and the reports of suspicious betting activity around these matches do not relate to the players themselves, but instead to activity on the gambling markets at the time of their match.

If anonymisation is to occur I ask that it is as granular as possible - and I will contest any disclosure that does not meet a sufficiently transparent standard. I refer you to Decision Notice (FS50122432), the "Abortion Statistics Case" on the need for authorities to release anonymised data in a manner that ensures the highest standards of transparency balanced against the DPA.

Please also bear in mind that S41, information provided in confidence does not apply. ICO guidance available here states that where an authority has processed information into its own format it becomes its own and as such subject to release.

The information also does not constitute an audit function, and as such S33 does not apply.

If you have any questions relating to this request please do not hesitate to contact me. To ensure that the process is simpler for everyone, I would be grateful if we could discuss the request to ensure the fullest disclosure possible without the need for internal appeals.