

Response

Thank you for your request for information regarding betting on non-UK lotteries.

In relation to parts one to three of your request, we do not categorise complaints in such a way that this information can be easily extracted. The Commission is a regulator, not a complaints handling body so we do not record extensive details in relation to complaints that we log as there is no business requirement to do so. A [recent review](#) provides more details on complaints in the Gambling Industry which explains the approach we take, the role of alternative dispute resolution (ADR) providers and what is expected of operators. As you will see from the review, in the past year there were nearly 77,000 contacts from consumers.

We log complaints under broad categories that allow us to identify emerging themes where regulatory issues may exist that need to be considered (such as terms and conditions or marketing and advertising). We also log complaints against gambling operators rather than the specific sectors to which they relate; for example, an operator may be licensed to offer a number of different gambling products including betting, bingo and casino. A complaint that is logged would go against the name of that operator and it would only be by reading the free text summary note (or original email) that the sector would be apparent. The only way to identify complaints of the nature you have requested would be by manually checking the comments entered against the records, or the emails attached to the records.

Section 12 of the Freedom of Information Act 2000 (FOIA) makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for public authorities, such as the Commission, is set at £450. This represents the estimated cost of one person spending 2.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information. We estimate that it would take in excess of 2.5 working days to determine appropriate material and locate, retrieve and extract any relevant information in reference to your request given the volume of records.

As you will have seen from the consultation, there is no indication consumer complaints are a significant driver for the changes DCMS are proposing.

In terms of the advice provided to DCMS, we do hold relevant information but we consider this information is exempt under section 35(1)(a) of the Freedom of Information Act 2000 as it relates to the formulation of government policy. The Commission is a NDPB with a statutory role to advise the Secretary of State on gambling matters.

Section 35 is a qualified exemption so we are required to consider whether the balance of the public interest lies in disclosing or withholding the information requested.

Public interest considerations favouring disclosure

- Greater transparency makes Government more accountable to the electorate and increases trust. Also, increased knowledge of the way government works would lead to a more effective and broadly based public contribution to the policy making process
- A number of companies will potentially be impacted financially by the outcome so sufficient reasons should be clearly laid out if this is the case

Public interest considerations favouring withholding the information

- Government needs a free space in which it is able to investigate, prepare and formulate its proposals so that it is properly equipped to assess, respond and react to the views and opinions that are eventually put to it
- There is a need for a safe space to exist whereby officials at the Commission can discuss issues and provide meaningful advice away from external interference. This is particularly relevant given that the issue is still live with the consultation only recent closing
- A consultation and impact assessment have been published detailing the reasons for the proposed changes and invites responses
- The details of the Select Committee inquiry into society lotteries and the evidence submitted is available on www.parliament.uk

The reasons for the consultation have been published along with a privacy impact assessment which in our view satisfies the requirements around transparency in government policy development. It is also important to ensure a safe space for officials to develop and provide advice on issues without the expectation that this would be subject to direct public scrutiny. This scrutiny and the mechanisms for feedback are provided at the consultation stage where stakeholders are able to engage directly with DCMS. We have reached the view that, on balance, the public interest is better served by withholding this information under Section 35 (1) (a) of the Act at this time.

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

Under the Freedom of Information Act 2000, please provide the following information for the period from 1 January 2015 to date:

1. Details of any complaint made to the Gambling Commission about any company which allows customers to bet on the outcome of non-UK lotteries;
2. All correspondence (internal and external) relating to any complaint falling within point 1 (above);
3. All internal discussion documents or other information relating to any complaint falling within point 1 (above); and
4. All information, including correspondence and advice to DCMS, relating to the policy proposal to prohibit betting on the outcome of the non-UK EuroMillions lottery (the consultation for which is available at <https://www.gov.uk/government/consultations/prohibiting-third-party-betting-on-non-uk-euromillions-draws>).

Please let us know as soon as possible if you require any clarification of this request. We are not seeking the names of individual complainants, which we would expect to be redacted in accordance with the Data Protection Act.