

Reference: 2167

Date: 4 May 2016

Julia Snape
Information requests

information.requests@ofcom.org.uk

Freedom of Information: Right to know request

Thank you for your request for information for the raw data behind gambling adverts information that we publish. We have considered your request under the Freedom of Information Act 2000 ('the Act').

I am writing to advise you that Ofcom has decided not to disclose the information you requested.

The information you requested is being withheld as it falls under the exemption in section 43 of the Act. This part of the Act deals with the exemption of information that would prejudice the commercial interests of a person or company. We purchase the information from BARB and release of the data would compromise the commercial interests of BARB if we were to release it for free. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. The attached annex to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

It is likely that other exemptions will apply.

You could contact BARB directly to request the information you need.

Yours sincerely

Julia Snape

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings
 The Secretary to the Corporation
 Ofcom
 Riverside House
 2a Southwark Bridge Road
 London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF

Section 43 – where information, if disclosed, would, or would be likely to, prejudice the commercial interests of any person	
Factors for disclosure	Factors for withholding
Open policy making and public confidence in regulated activities	Ofcom purchases the information requested from commercial information providers. Therefore, if this data were to be passed to a third party, the commercial interest of the information providers would be likely to be prejudiced.
Reasons why public interest favours withholding information	
Ofcom needs to purchase statistical information from commercial information providers in order to make informed policy decisions. The release of this information into the public domain would be likely to prejudice the information provider's commercial interests, as it would be likely to have a detrimental impact on their commercial revenue as they sell the data to third parties. It would not be in the public interest for Ofcom to endanger its relationship with these information providers by publishing the information – as they will in the future be unlikely to sell the data to Ofcom. This will reduce the quality of the information Ofcom has before it when making its decisions.	