



Department for Business & Trade

Department for Business and Trade
Old Admiralty Building
London
SW1A 2DY

Owen Boswarva
owen.boswarva@gmail.com

T +44 (0)20 7215 5000
E FOI@businessandtrade.gov.uk
W www.gov.uk

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Dear Owen Boswarva,

Thank you for your email of 15th July where you requested the following information:

I would like to make a request for information that the Department for Business and Trade (DBT) may hold related to arguments for and against the release of national address data on open data terms.

Please provide the following information, if held. My request is limited to information received or produced by DBT since 1 January 2024.

- 1. Any review, evaluation, business case, opinion, or position statement related to the case for making the Postcode Address File (PAF) or other national address data available to the public as open data.*
- 2. Any representations or briefings received from civil society groups, trade organisations, the Royal Mail, the PAF Advisory Board, Ordnance Survey, GeoPlace LLP, and/or the Geospatial Commission, for or against the case for making the PAF or other national address data available as open data.*
- 3. Any email correspondence or records of meetings related to whether the PAF or other national address data should be available as open data.*

For purposes of directing this request: I think relevant information is mostly likely to be held by DBT's Digital, Data and Technology (DDaT) team and/or Royal Mail policy team.

Thank you for your assistance with this request for information.

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

The Department for Business and Trade (DBT or the Department) can confirm that some information relating to your request is held. Our response is as follows, taking each part of your request in turn:

Part 1: Any review, evaluation, business case, opinion, or position statement related to the case for making the Postcode Address File (PAF) or other national address data available to the public as open data.

As specified in your request, this relates to information received or produced by DBT since 1 January 2024.

DBT can confirm the Department holds some information in scope of your request. However, some of this information is exempt from disclosure under section 35(1)(a) (Formulation or Development of Government Policy), section 40(2) (Personal information), and section 42(1) (Legal Professional Privilege) of the Act and has therefore been withheld or redacted. Our consideration of engaging these exemptions is set out below.

We can disclose the following information which is in scope of your request:

- A draft Speaking Note for Viscount Camrose on the proposed DPDI Bill Amendment – redacted at section 35(1)(a) and section 42(1) (Annex A)
- A letter to Viscount Camrose from members of the House of Lords requesting a review of HMG's 2016 decision on an Open Address Register – redacted at section 40(2). (Annex B)

The Department does not hold information regarding the status of a reply to the House of Lords letter, or if one issued. You should contact the Department for Science, Innovation and Technology, as the lead Government Department responsible for geospatial policy, for confirmation/copy of a reply (correspondence@dsit.gov.uk; [FOI contact form](#)).

For assistance the previous Government set out its position on open address data in a debate in the House of Lords on Amendments to the Data Protection and Digital Information Bill (DPDI). A transcript of the comments on open address data made by Viscount Camrose during the debate is available here: [Data Protection and Digital Information Bill - Hansard - UK Parliament](#)

Part 2: Any representations or briefings received from civil society groups, trade organisations, the Royal Mail, the PAF Advisory Board, Ordnance Survey, GeoPlace LLP, and/or the Geospatial Commission, for or against the case for making the PAF or other national address data available as open data.

As specified in your request, this relates to information received or produced by DBT since 1 January 2024.

The Department can confirm some information is held in scope of your request. Some of this information is exempt from disclosure under section 40(2) (Personal information) of the Act and has therefore been redacted. Our consideration of engaging this exemption is set out below.

We can disclose the following information which is in scope of your request:

- An email exchange between DBT and Royal Mail Group Limited setting out Royal Mail's view on the DPDI Bill Amendment 252 – redacted at section 40(2). (Annex C)

Part 3: Any email correspondence or records of meetings related to whether the PAF or other national address data should be available as open data. As specified in your request, this relates to information received or produced by DBT since 1 January 2024.

The Department does not hold any information in scope of this request.

Section 35 – Policy Development

Section 35(1)(a) exempts information from being released if it relates to the formulation or development of government policy. The information you have requested relates to the formulation and development of policy regarding an Open Address Register.

The use of section 35(1)(a) is subject to a public interest test. We understand there is a public interest in information about the Open Address Register. The policy development activities have considered:

- Policy development
- Legal advice
- Commercial considerations including negotiations with owners of relevant intellectual property in relation to potential inclusion within an Open Address Register
- Evaluation of options to build an Open Address Register that did not include privately owned intellectual property

Factors in favour of release:

- Disclosure could provide better insight into the policy and the reasoning behind it.
- Decisions that Ministers make may have a significant impact on the lives of citizens and there is a public interest in deliberations on this topic being transparent.

Factors in favour of withholding:

- Given the nature of the workstreams as described above and their role in informing any future policy choice, release of some of this information would adversely affect the options available to Ministers in the future
- There is a strong public interest in ensuring that Ministers and officials can discuss policy options fully and frankly and for the space in which such discussions take place to be protected.
- If this information were made public, we believe the nature of such frank discussion and debates on key public policy issues would be inhibited, and the Government would be prevented from taking decisions based on the fullest understanding of the issues involved.

We therefore conclude that the balance of the public interest lies in maintaining the exemption and withholding some of the information.

Section 40 (Personal Information)

Section 40(2) of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. The exemption is designed to address the tension between public access to official information and the need to protect personal information. Personal data of third parties can only be disclosed in accordance with the data protection

principles. In particular, the first data protection principle requires that disclosure must be fair, lawful and transparent.

Senior officials should expect it fair that their details may be disclosed as part of a FOI response since, as their posts carry a greater level of accountability, they are likely to be responsible for major policy decisions and the expenditure of public funds. However, having factored in the nature of the request and the responsibilities of the employees in question we do not consider the right of public access to official information to outweigh the right of junior members of staff to have their personal information protected.

Section 42 (Legal Professional Privilege)

The information held consists of legal advice from both internal and external sources provided to HM Government. This information is withheld under Section 42(1) of the Act.

This exempts information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. The information covered by this request is subject to legal professional privilege specifically to legal advice. The advice was provided by both departmental and external lawyers to officials (the client) for the sole purpose of providing legal advice in the lawyer's professional capacity.

The advice has not been disclosed outside of Government and so the privilege has not been lost by virtue of an unrestricted disclosure.

Section 42 is a qualified exemption and therefore subject to the public interest test.

Factors in favour of release:

- There is a general public interest in the disclosure of information.
- Greater transparency makes the government more accountable to the electorate.
- Increases trust
- enables the public contribution to policy making to become more effective.

Factors in favour of withholding:

- The Government needs to be able to receive comprehensive legal advice about the strengths and weaknesses of its position.
- Disclosure of such information could be prejudicial to Government's operations, and without open and candid legal advice, the ability of the Department and Ministers to assess the legal implications of possible courses of actions and to defend decisions from legal challenge would be compromised.
- There is a strong public interest in maintaining legal professional privilege in relation to such advice.

Having considered the public interest test, it has been decided that the public interest favours withholding the relevant advice.

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of receipt of the response to your original request and should be addressed to the Information Rights Unit:

Information Rights Unit
Department for Business and Trade
Old Admiralty Building
London
SW1A 2DY
Email: FOI@businessandtrade.gov.uk

Please remember to quote the reference number above in any future communications.

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

Yours sincerely,

Department for Business and Trade