



HM TREASURY

1 Horse Guards Road
London
SW1A 2HQ

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Martin Rosenbaum
Executive Producer, Radio
BBC Political Programmes
6th floor, Millbank
London SW1P 3JQ

Information Rights Unit

Tel: 0207 270 4558
Fax: 0207 270 4861

By email: martin.rosenbaum@bbc.co.uk

www.hm-treasury.gov.uk
FOI.responses@hm-treasury.gsi.gov.uk

Ref: 9/672

Re: Freedom of Information Act 2000: COINS Database

Thank you for your email dated 23 September, requesting an internal review of the decision in our letter of 7 September. As head of Treasury Information Rights Unit, I am writing to inform you of the outcome of the review. We would wish to have completed this process sooner and I am sorry you have been kept waiting so long.

2. You had requested a copy of the COINS database in appropriate electronic format. Treasury refused the request on the basis that the data structures are deeply interwoven with the proprietary software of the database system. To be helpful, our letter explored the possibility of exporting the data in a form that would not breach commercial confidentiality. We advised that the sheer volume of data would present practical and technical difficulties, the orphaned data might be close to unusable, and some of the data would engage exemptions.
3. Your request for review asked us to consider alternative technical solutions to providing an export. You also signalled that you were happy for data connected to the security services to be excluded. In essence therefore your review request follows our advice about narrowing the request and we might have addressed it accordingly as a fresh request. However, the review concluded that your original request was capable of being construed as being for the contents of the database and has eschewed further sterile debate as to what exactly constitutes the database.
4. The review broadly endorsed the initial handling of the request. It found that the reply, issued within the statutory deadline, showed that the request had received careful consideration and provided full and helpful explanation.
5. I will set out in more detail below the review considerations and public interest considerations, but the overall review conclusions are:
 - data identifiers that are likely to engage intellectual property rights; and current /future year figures which are commercially sensitive to government, for example data on trading funds or public funded entities such as the BBC - in both respects we consider these data exempt under section 43(1)
 - data submitted by or on behalf of the Security Services, are exempt under section 23(1)
 - select data relating to the defence services that is likely to prejudice the capability, effectiveness or security of any relevant forces, are exempt under section 26(1)(b)



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- data gathered to develop Whole of Government Accounts policy (WGA), are exempt under section 35(1)(a)
- current and future year data, which is subject to Government and Parliamentary revision, exempt under section 35(1)(a)
- other data are exempt under section 36(2)(c).

Review Considerations

6. The review recognised the very real difficulties in providing untrammelled access to data held in a proprietary software system. The review also affirmed that the public interest in disclosure would be minimal, because the data are already published in various ways and because the detail that is not published would by and large be inaccessible to an external audience. A large part of what is not published is the 'noise' of update transactions. The review nonetheless recognised that what is published is not the same as the database. However valid the contention that the published material is more meaningful and useful than the raw data, we are aware of the general arguments from the Information Commissioner's Office in other connections, that transparency has value in itself.

7. Just how far intellectual property rights extend throughout the database is a vexed question. Even though the scope of your request is now limited to the contents of the database, our concern is that something so apparently trivial as field names that are of the supplier's devising will carry intellectual property rights. The review endorsed the balancing arguments in the original response in relation to these aspects and you have not presented any contrary arguments. Despite the different scope of information now being considered, the review found that these considerations continue to apply. To be helpful we are including information provided in the context of another related request, which was for the 'schema' of the database, the release of which includes field headers where we are in no doubt about the IPR issues and we have provided analogues where there are such problems. There is a limit to the amount of resource we can justify devoting to this and we are conscious that it will remain difficult for a 'layman' to reliably interpret the data.

8. Our initial response referred to a number of exemptions that might be engaged in relation to the contents of the database. Since this was hypothetical at the time, we were clear that we were not formally citing these as engaged. Your request for review nonetheless included an explicit recognition that section 23(1) data could be redacted. The work of the review has highlighted that the section 26 exemption (defence) is also engaged in relation to some MoD data.

9. The section 26 exemption requires us to balance the public interest as between disclosure and protection. We have argued that the public interest in disclosure here stems from a general presumption in favour of transparency rather than a substantive interest in the content of the information. Whilst the likelihood of harm from disclosure may be relatively remote, because the prejudice relates to the effectiveness and security of armed forces, we judge that the public interest in maintaining the exemption clearly outweighs the public interest in disclosure. Our concern here is that budgeted military expenditure at a fairly detailed level could in some situations enable judgements to be made about the prospective level and type of engagement in specific theatres.

10. The exemption provided for under section 35(1)(a) is a class-based one and information that relates to the formulation or development of government policy falls within its scope. We consider that the WGA information engages this exemption because there is a discrete policy program for the WGA which has not concluded. We also consider that section 35(1)(a) is engaged in relation to current and future years financial information, as these figures are subject to policy decisions and revisions via approved transfers and, or, claims on the reserve, which



remains a policy process that requires both ministerial and Parliamentary approval. Again, this is an exemption that requires us to balance the public interest as between disclosure and protection.

11. Factors we have considered that favour release include:

- a general public interest in transparency and in informing the public about government deliberations;
- assisting public understanding of the issue as preparation for government's publicly stated intention to produce pan-government, commercial-style accounts; and
- the Government placing on public record its preparatory work in developing the policy of cross-departmental accounting.

12. Factors favouring non-disclosure that we have considered include:

- in relation to WGA data, the Government has committed to publish IFRS-based WGA 2009-10 and is focussed on ensuring that such accounts can be produced;
- in relation to the current and plan years data that has been excluded, there are settled arrangements for Ministers and Parliament to sanction changes to the control totals; we consider that to disclose internal data that is subject to such formal Parliamentary arrangements would undercut Parliamentary authority, against the public interest.

13. Given the settled arrangements and commitments that exist for publication of the data in other forms, we judge the public interest in disclosure is token, rather than substantive; accordingly we consider the balance of public interest lies in protecting the policy space. It may be helpful to indicate that we do not consider this is information that engages section 35(2) or 35(4). This is not statistical or factual information used to provide an informed background to policy formulation or development. Rather this information is part and parcel of the policy development.

14. The review sought the opinion of the "qualified person" as to whether the information not exempted under sections 43, 23, 26, and 35, engaged section 36 of the Act.

15. The qualified person decided that section 36(2)(c) (prejudice to the effective conduct of public affairs) applied to this residual data for the following reasons.

16. In reaching this opinion the qualified person took into account that the Government publishes authoritative information on public spending, which is validated and respected as an accurate source, and that the real value of release in this case was negligible. In addition, the likelihood of harm from disclosure, arising from misinterpretation of the 23 million lines of raw and unvalidated data and/or a high volume of follow-up requests and enquiries, was sufficient to be classed as prejudicial to the effective conduct of public affairs as it would or would be likely to cause considerable disruption to the work of the Treasury that would reasonably be assessed as amounting to a prejudice to the Treasury's ability to offer an effective public service. The qualified person recognised that additional context could be provided to seek to mitigate the risk of misinterpretation but concluded that it was unlikely to reduce the risk of multiple inquiries low enough not to disrupt the Treasury, or indeed any public authority listed in the COINS data set.

17. Section 36 (2) (c) is a qualified exemption and the public interest was fully assessed and found on balance to be in favour of maintaining the exemption rather than release. We assessed the public interest factors as:



In favour of release:

- The general public interest in transparency, which the Government is advancing through "Smarter Government" <http://www.number10.gov.uk/Page22897>
- the fact the data relates to public spending, which is an area in which the Information Commissioner has indicated a strong public interest in greater openness

Against release – i.e. maintaining the exemption:

- the impenetrability of the information to a lay user
- its raw, unvalidated, state as compared to published data
- the very large amount of publicly available (and accurate) spending data provided by HM Treasury
- the potentially significant cost and difficulty of rebutting misunderstandings: in particular, being able to identify how a commentator has arrived at a figure, given the large volume of data provided and the unformatted copy they will have to have been working from
- the Smarter Government proposal to provide more detailed spending data in an easily accessible form.

In conclusion

18. We are releasing with this letter a "schema" substitute, which includes field headers where no IPR problems apply and analogues where there are such problems. In all other respects we have exempted the requested information as set out above.

19. While I am sure you will be disappointed that we have not released the information you asked for, I hope that the above account serves to demonstrate that your internal review has received appropriate and thorough consideration and that we have taken a proper, fresh look at all the circumstances of the case.


20. The government this week announced further developments in ensuring greater public access to government datasets. COINS datasets are of course already available, but it may be that this initiative will in future result in additional releases, managed in such a way as to avoid the pitfalls highlighted in this letter. However, some media commentary has raised unrealistic expectations and it may be worth reiterating here that the database is designed to serve public expenditure control and reporting requirements. It is not a full accounting system and does not by and large hold details of individual financial transactions or localised expenditure data.

21. If you are not content with the outcome of this internal review you have the right to apply directly to the Information Commissioner for a decision. The Commissioner can be contacted at: FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.



22. The Commissioner's website provides further guidance and a template for complaints at the following link: http://www.ico.gov.uk/complaints/freedom_of_information.aspx .

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Rosemary Banner', with a horizontal line underneath.

Rosemary Banner
Team Leader Correspondence and Information Rights

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