



Department for
Science, Innovation
& Technology

Department for Science, Innovation and
Technology
100 Parliament Street
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www.gov.uk/dsit

Our Ref: FOI2024/07021

24 May 2024

Dear Mr [REDACTED]

Thank you for your email of 27 March where you requested the following information:

“Lord Camrose spoke in Parliament today (27th March) and mentioned that in 2016 a study was conducted to explore the opening up of address data in 2016. (A useful searchterm when searching you records might be “Postcode Address File” as that was a core part of the study).

Please could you release this study and any reports or other documents summarising its findings.”

Your request has been processed in line with the Freedom of Information Act 2000

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).

We can confirm that the Department for Science, Innovation and Technology (DSIT), holds some information in scope of your request. However, we have decided to withhold some of the requested information for the reasons outlined below.

The Open Address Register Programme to which the Minister referred was a joint project undertaken by HM Treasury, The Department for Business, Energy and Industrial Strategy and Government Digital Service in 2016. The project consisted of four workstreams:

- Policy development
- Legal Advice
- Commercial considerations including negotiations with owners of relevant intellectual property owners 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.



Our approach on handling the information under the Freedom of Information Act (FOIA) is set out below.

Policy Development – Section 35

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 the 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 combined information from across all of the other workstreams above. Given the nature of those areas of workstreams as described below and their role in informing any future policy choice, release of this information would adversely affect the options available to Ministers in the future. 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. However, against this, there is a strong public interest in ensuring that Ministers and officials are able to 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 Department 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 the information.

Legal Advice – Section 42

The information held consists of both internal and external legal advice 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. There is a general public interest in the disclosure of information; greater transparency makes the government more accountable to the electorate; increases trust and also enables the public contribution to policy making to become more effective.

However, 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.

Commercial considerations – Section 43

Some of the information held relates to the commercial considerations with intellectual property rights owners. Section 43(2) of the Act states that “information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)”. Section 43(2) is a qualified exemption and therefore the balance of the public interest in disclosing and withholding the information must be considered.

While the release of the information would provide greater transparency in Government processes, we judge that it would be likely to prejudice the interests of HM Government by damaging ongoing and future commercial relationships and negotiating positions for HMG with IPR owners in this area. There is significant public interest in the Department, and other Government departments, holding commercially sensitive information from and about companies which allows Government to fulfil its functions more effectively including as a buyer on behalf of the taxpayer. Disclosure of such commercially sensitive information would limit the amount of information of this nature that Government holds in future, limiting the effectiveness of Government activity, which is not in the public interest.

Having considered the public interest, on balance, we consider that the public interest in disclosing the information is outweighed by the public interest considerations in favour of withholding the information for the reasons above. We have therefore withheld this information by engaging Section 43(2).

Evaluation of options to build an Open Address Register that did not include privately owned Intellectual property.

This activity was undertaken by Ordnance Survey under contract and assured by the Open Data Institute. Please note that we are providing the ODI review of Ordnance Survey Pilot, the Executive Summary, the Final Report and the Interim Report (all set out in **Annex A**) with the following information redacted from them:

- Personal information of those that were involved in the creation of the reports.
- Commercially sensitive information that if released, could adversely impact on HMG's ability to negotiate with Intellectual Property Rights (IPR) owners in the future.

Section 40

We consider some information to be exempt from release under section 40(2) of the Act. We are withholding information that includes the names, job titles and e-mail addresses of representatives of organisations and government as this is personal data that may identify a third-party individual. Section 40(2) is engaged because of the condition at section 40(3A), which concerns the personal data of third parties. The Department has obligations under data protection legislation and in law generally to protect personal data. This exempts personal data from release if disclosure would contravene any of the data protection principles in Article 5(1) of the UK General Data Protection Regulation and section 34(1) of the Data Protection Act 2018. Release would breach the first data protection principle since it would be unlawful and unfair to disclose the information. As section 40 is an absolute exemption, the department is not required to carry out a public interest test.

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 two months of the date of receipt of the response to your original request and should be addressed to the FOI Team. It would be helpful if you can tell us why you are dissatisfied with the response to your request so we may address this during the internal review.

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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. Complaints can be made to the Information Commissioner via their website at: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>.

Yours sincerely,

Department for Science, Innovation and Technology

Annex A – The ODI review of Ordnance Survey Pilot, The Executive Summary, The Final Report and The Interim Report



Annex A - The ODI
review of Ordnance S



Annex A - The Final
Report.pdf



Annex A – The
Executive Summary.pi



Annex A - The Interim
Report.pdf