



Department for  
Digital, Culture,  
Media & Sport

Freedom of Information Team  
Department for Digital, Culture, Media & Sport

4th Floor  
100 Parliament Street  
London SW1A 2BQ  
E: [foi@dcms.gov.uk](mailto:foi@dcms.gov.uk)

Tel: 020 7211 6111

[www.gov.uk/dcms](http://www.gov.uk/dcms)

FOI2021/05879

14 April 2021

Lord Paul Myners  
[paul.myners@myners.com](mailto:paul.myners@myners.com)

Dear Lord Myners,

Thank you for your correspondence of 17 March, in which you made the following request for information:

***I would like to make a Freedom of Information request about the Public Service Broadcasting Advisory Panel (The Panel).***

***I recently asked a parliamentary question about The Panel and was advised that The Panel has met on two occasions. I would be very interested in seeing the Agenda, and papers circulated to the Panel members for these meetings and the names of any people who gave evidence. I would also like to see Minutes if these are available.***

I can confirm that the Department for Digital, Culture, Media and Sport (DCMS) holds this information. However, we have determined that this information is exempt from disclosure under section 35(1)(a) (formulation of government policy) of the Act. Section 35 is a 'qualified exemption' and requires us to carry out a public interest test to consider whether the balance of interest lies in releasing or withholding the information.

In considering this, we have paid particular regard to the arguments in favour of disclosure, including that we understand that there will always be some public interest in disclosure of this type of information, to promote government transparency and accountability, to increase public awareness, and to enable public participation in the democratic process. That the Public Service Broadcasting Advisory Panel (the Panel) will meet and advise on public service broadcasting, and may have potential impacts for tax-payer money only increases the public interest in release of the information.

However, while acknowledging these points to be beneficial to the public, we recognise that on this occasion the arguments for upholding the exemption and withholding the information outweigh those in favour of disclosure. In particular, consideration of the following factors has led us to the conclusion that the public interest requires the exemption in section 35 to be upheld.

We acknowledge the fact that ministers and their officials, including the panel members, need a 'safe space' to debate live policy issues away from external interference and



distraction. Although the Panel members themselves may come from outside government, the agendas, papers and minutes all give an insight into current government thinking, including the views of the Minister personally. The government has indicated that it intends to bring forward proposals in due course, with a publication towards the end of this year mooted.

In addition, disclosure of the documents requested at this point may create a 'chilling effect' on further discussions whereby the discussions are inhibited by fear of premature release of the discussions. There are future discussions yet to take place, and these will occur after any disclosure would be made. This is particularly relevant in the case of the minutes, which, although not generally attributed, may allow individual contributions to be identified. It is important that proceedings and discussions of the Panel shall remain confidential unless or until otherwise instructed by the Chair. The purpose of that provision was to allow free and frank discussion.

Yours sincerely,

Freedom of Information Team  
**Department for Digital, Culture, Media and Sport**

### **Complaints and comments**

As is customary in our replies, I should explain that if you are dissatisfied with any aspect of our response to your request for information, and/or wish to appeal against information being withheld from you, please send full details within two calendar months of the date of this response to: [foi@dcms.gov.uk](mailto:foi@dcms.gov.uk). You have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. Please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning an investigation.