



Video Games Consultation Questions

You are invited to comment on any aspect of the consultation document. However, you may find it useful to refer to the questions below, which cover the main points on which we would particularly welcome views. Please be as specific and detailed as possible in your response.

The consultation will run from 31 July 2008 to 20 November 2008

Option specific questions

The Government seeks answers to particular aspects of the specific options put forward in the consultation document.

Option 1 Hybrid classification system

The BBFC would rate all games that are 12+ or higher, with PEGI continuing to rate all 3+ and 7+ games.

The BBFC logos would appear on the front of all boxes, with the PEGI logos on the back.

This system will work best if BBFC and PEGI come to an agreement on their logos and age classifications so that a more integrated approach can be adopted. The BBFC would extend its statutory powers to cover games from 12+, bringing it into line with the classification system used for DVDs/videos and building on parental awareness and understanding of what those ratings mean.

Q1: What is your overall assessment of whether this option would work and why?

I think this option could work due to the fact that the age rating icons used by the BBFC are more widely understood and recognised by the general public than icons used by the PEGI system.

Q2: What are the key flaws with this option and how could it be adapted to overcome them?

As far as i am aware, the largest proportion of games submitted for rating per year are 12+ or lower with the minority being 15+ and higher. As it stands the BBFC have no problem rating these older age ratings however expanding to the 12+ rating might stretch the BBFC in the short term. I'm not sure i see the need to expand their remit to cover this lower age group since there are few 'controversial' and publicly challenging games rated at this age level.

Q3: What are the key advantages with this option and why?

BBFC age rating logos are simplistic and well understood due to their long-time use by the film industry - there should be no excuse for confusion over selling older rated games to younger children and parents should have no excuse for not understanding that they are giving those games to their children (not that they do not have the right to choose to do so - just so that they cannot have any legal recourse against the industry for any future problems that they or others may lay against the games).

Q4: How do you think this system would work for the following key stakeholders:

(i) the consumer?

BBFC ratings are simple and well understood. PEGI content icons help elaborate on the content of the game at the specific rating.

(ii) the games industry?

More protection against civil slander cases such as blaming the results of cases of mental instability or disturbances on the medium. It would, however, result in more work for the games industry due to the requirement for games to be played by the BBFC before rating is granted - though i believe that this should be a requirement for games ratings along with the required screenshots/videos of the games presently required by PEGI.

(iii) the retail industry?

I do not think that it will affect the retail industry in any substantial way. Any person selling games would, or should, have detailed knowledge of the basic ratings from both BBFC and PEGI.

Q5: What suggestions do you have to improve the system for any of the key stakeholders?

I would remove the requirement for the BBFC to rate 12+ games - though i differentiate this option from option 4 with the legal reinforcement that this

option currently has.
Q6: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?
I do. I think that the main point that the Byron review raised was that there was sufficient confusion by the general public in the rating systems and the lack of legal consequences to back the system from critics of the medium.
Q7: How do you think this system will last into the future?
I foresee no problems with this system - though i can tell that without removal of 12+ games from the BBFC's remit there will be staunch opposition from ELSPA and the gaming industry due to the overhead required from playing each game.
Q8: Do you think this option would work in the online environment?
(i) If so, what would be the benefits?
I believe that it would - though no currently offered option is fool proof - though any method that would ensure the strict adherence to a certain age rating would not be tenable in the current industry. Instead online ratings should be a guidance as to the content contributed by the companies involved. Content contributed by the public cannot be effectively moderated without stifling the online component.
(ii) If not, what would be the problems and do you have any solutions?
As stated above, i do not believe that any online component can be sufficiently policed or moderated so as to stick to a certification. User contributions (whether through content or voice/text chat) are only marginally enforcable and must be based on an honour system backed up by code of conducts and monitoring by the industry bodies involved in the running of the online environment.
Q9: Is there any other information that you think Government should take into account when considering the monetary costs of this option?
I think that having to play through titles that are to be rated 12+ would bring an extra strain on the BBFC and also the industry that is currently workable for titles that could potentially bring more harm to society (i.e. titles rated at 15+ and 18+)
Q10: Do you think having different age classifications on the front and back of the box is a significant problem? If so, do you think the solution offered

<p>here is the right one or can you suggest an alternative?</p>
<p>I believe that only the descriptor icons should be used from the PEGI system and not the age rating as well as the BBFC age rating on the front of the box. This will reduce confusion for the consumer and, since the majority of games do not use the same packaging for each country (specifically UK box art being used for other EU countries) then they could replace the BBFC rating with the PEGI age rating for the other countries.</p>
<p>Q11: Do you think this option would be more or less costly to the games industry and if so what evidence do you have of this?</p>
<p>I do not believe this option (with my suggested ammendments) would be more costly (or much more so) than the current system.</p>
<p>Q12: What are the likely implications (including costs) for games producers of having a classification system that does not automatically translate across to some other European countries?</p>
<p>If the requirement for the BBFC to not rate 12+ games then it will have some impact though i could not find out how much the BBFC charges for a rating. Though the cost of an IFCO rating is €2500 which is not a large portion of most games' bugets.</p>
<p>Q13: It would be helpful to have your views on whether this option would affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them.</p>
<p>Statistically, from my experience with buying games in the UK, the BBFC rate games at a younger age than PEGI do. I believe that this offers developers more room to express themselves through their product and as a result offers a larger audience to be exposed (at retail) to their product.</p>
<p>Q14: What do you think should be the determining factors or characteristics in deciding whether a game becomes subject to statutory classification at 12+? [see following section]</p>
<p>I think that both current systems are okay though the BBFC's factors appear to be more thorough.</p>

What are the criteria for deciding on a 12+ game?

Dr Byron recommends that statutory classification should be extended to include games rated 12+ and above. She arrived at this conclusion through her review

of the research on child development, which shows that younger children have less ability to distinguish between fantasy and reality than more mature children. She also found both parents and children were worried and confused about gaming classification, and feels a system from 12+ backed by the law would give parents, children and retailers more confidence in the system, as well as protecting children from potentially harmful material. Children themselves gave evidence about trying to explain to their parents why younger siblings (particularly little brothers) should not play age-inappropriate games.

The review says the definition of what would constitute a 12+ game in law would have to be considered through public consultation but could broadly reflect the existing ratings. Dr Byron's example is that 12+ could incorporate games with more graphic violence, some nudity in a sexual context and some bad language.

The BBFC 12 classification for DVDs/videos says:

- Mature themes are acceptable but their treatment must be suitable for young teenagers.
- The use of strong language must be infrequent. Racist abuse is of particular concern.
- Nudity is allowed, but in a sexual context must be brief and discreet.
- Sexual activity may be implied. Sex references may reflect what is likely to be familiar to most adolescents but should not go beyond what is suitable for them.
- Violence must not dwell on detail. There should be no emphasis on injuries or blood. Sexual violence may only be implied or briefly and discreetly indicated.
- Dangerous techniques (e.g. combat, hanging, suicide and self-harming) should not dwell on imitable detail or appear pain or harm free. Easily accessible weapons should not be glamorised.
- Sustained moderate threat and menace are permitted. Occasional gory moments only.
- Any misuse of drugs must be infrequent and should not be glamorized or instructional.

These are refined still further when the BBFC classifies video games because of the likelihood of greater offence emerging through interactivity, including the different ways gamers may play games.

The PEGI 12+ classification can include:

- Violence of a slightly more graphic nature than 3+ and 7+, if it is towards fantasy characters (any violence towards human looking characters or recognizable animals should still be non-graphic).
- Nudity of a slightly more graphic nature than 3+ and 7+ (but still must not show genitalia).
- Some words amounting to sexual innuendo (but not in a form that is considered 'bad language').
- Mild bad language, which falls short of sexual expletives.
- Obvious innuendo of sexual activity even though the couple cannot be seen or clearly seen.

Option 2 – Enhanced BBFC system

The BBFC would act as the statutory classifications body for all video games, applying its ratings from U to 18. It would retain its power to refuse to classify games it feels are potentially harmful based on its public consultations.

Q15: What is your overall assessment of whether this option would work and why?

I think the option would work though i believe that it would be costly to both the industry and the BBFC due to the huge number of classifications required for the 12+ age rating. Looking at PEGI statistics for the year 2007-08 the ratings of 12+, 16+ and 18+ accounted for 24%, 12% and 4% respectively. I believe that the BBFC can easily accommodate both 15+ and 18+ ratings, however i'm not sure that they could accommodate an extra four fifths (84%) of all games submitted under their current methods of rating - i.e. actually playing the games - which i believe is an integral factor in being qualified to rate a game at a standard that is applicable to the consuming society.

Q16: What are the key flaws with this option and how could it be adapted to overcome them?

The BBFC would have to be expanded radically to accommodate the numbers of games submitted to it. There are two possibilities, only require games that are expected to receive 15+ and 18+ to be played and adopt a similar method to PEGI for the lower age brackets. Split the BBFC into a film rating board and a games rating board so they are essentially separate entities: BBFC and BBGC/BBVC.

Q17: What are the key advantages with this option and why?
The games will be rated to UK society's standards. Issues that are sensitive to ourselves and not other countries (and vice versa) will be given an appropriate rating - the drawback to this is exactly the same as the advantage. For example, we are sexually more liberal in our media than the US rating systems, however if we adopted a system that ignored the diverse social philosophies of other countries then we would not grow as a society and would instead become insular - focusing on our own ideas of what should and should not be shown. This can be detrimental.
Q18: How do you think this system would work for the following key stakeholders:
(i) the consumer?
I believe that consumers would/should have a clear understanding of the provided ratings as long as they mirrored film classifications
(ii) the games industry?
It could be more financially costly depending on the relative cost between PEGI and BBFC ratings systems. However there will be a systemic time cost across the board if each game was required to be played.
(iii) the retail industry?
Little to no impact on their current operations.
Q19: What suggestions do you have to improve the system for any of the key stakeholders?
Remove the requisite to play through games at younger age brackets but keep it for 15+ and 18+ and therefore make it cheaper to rate those younger games.
Q20: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?
I believe that all the systems proposed address the potential harms raised by the Byron review but ultimately all four options can be undermined by parents/the general public. Inevitably as the generations progress gaming will become a more integral part of society as literature and film have done and thus 'gaming literacy' will improve and these problems will become reduced. We are, however, in a transitional phase and these problems are to be expected.
Q21: How do you think this system will last into the future?

I think that it has the potential to last as long as the costs (financial and time) are not too large for the developers and publishers. For example PEGI currently requires certifications for the same game on each different platform. I would propose that the BBFC only require one as long as the content is similar/the same.

Q22: Do you think this option would work in the online environment?

(i) If so, what would be the benefits?

I believe that it would - though no currently offered option is fool proof - though any method that would ensure the strict adherence to a certain age rating would not be tenable in the current industry. Instead online ratings should be a guidance as to the content contributed by the companies involved. Content contributed by the public cannot be effectively moderated without stifling the online component.

(ii) If not, what would be the problems and do you have any solutions?

As stated above, i do not believe that any online component can be sufficiently policed or moderated so as to stick to a certification. User contributions (whether through content or voice/text chat) are only marginally enforcable and must be based on an honour system backed up by code of conducts and monitoring by the industry bodies involved in the running of the online environment. Ultimately, publishers and developers should not be held accountable for content that they themselves have not produced.

Q23: Is there any other information that you think Government should take into account when considering the monetary costs of this option?

Reduce the required number of certifications per game to one if it is on more than one platform - rather than one per platform as is currently the case for PEGI rated games. Do not require games for age brackets 12+ and under to be played as games in brackets 15+ and 18+ currently do. The option to do so if needed should be available but not mandatory. These non-played games certifications should be cheaper than played games as the logistical requirements are vastly different.

Q24: Do you think this option would be more or less costly to the games industry than both the current system and the hybrid system and if so what evidence do you have of this?

It is difficult to say without hard numbers on the current ratings financial costs.

Q25: Which of the following options do you think would work best in the

online environment and why?
(i) BBFC symbols recognised as part of PEGI Online; or I think this would be the better option as online components transcend national borders.
(ii) BBFC.online (separate from the PEGI system)
Q26: What are the likely implications (including costs) for games producers of having a classification system that does not automatically translate across to some other European countries?
This will undoubtedly add an extra cost to games production, however as long as time periods for certification are similar to PEGI standards then the actual certification process will only require a small percentage of a game's total budget.
Q27: This option could be complicated by differences across Europe if games are purchased elsewhere. We are interested to know whether there is evidence that might support or disprove this. (Please refer to Paragraph 2.16)
Certainly social ideologies will vary between countries, however, having one standard across all countries will not alleviate this problem. As i posited in Q17. this can be both beneficial and negative on each society; on the one hand expanding our understanding of issues or exposing us to ideologies that, without the proper context, can result in a harmful conclusion being derived from the experience. I personally have not encountered any negative effects from having these differences ignored by the ratings systems to date.
Q28: We would be interested in evidence to demonstrate whether this option creates additional burdens to online games developers and whether this could be confusing to parents. (Please refer to Paragraph 2.25)
I think that the majority of parents would not understand this problem without discussing it in some sort of forum due to the fact that they themselves would not generally have much experience with this issue. Many developers, however, due to personal and legal responsibilities and the pressures exacted by the current media and political attitudes towards games and gaming tend to be very sensitive to these issues and would already be addressing them without intervention from a ratings body and thus i do not think that this would add extra and undue burden on them.
Q29: It would be helpful to have your views on whether this option would

affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them.

Statistically, from my experience with buying games in the UK, the BBFC rate games at a younger age than PEGI do. I believe that this offers developers more room to express themselves through their product and as a result offers a larger audience to be exposed (at retail) to their product ensuring a better possible return on their investment.

Option 3 – Enhanced PEGI system

A UK-based organisation (possibly the Video Standards Council) would be the designated statutory classification body for video games, applying the PEGI ratings. The VSC (or other UK body chosen) would need to sign up to this new role and any legislative changes required. All video games would be rated using the PEGI system and there would be no role for the BBFC in classifying video games.

Q30: What is your overall assessment of whether this option would work and why?

This option could work, however i believe that the quality of assessing the correct age bracket for a older rated game would be lower.

Q31: What are the key flaws with this option and how could it be adapted to overcome them?

PEGI do not currently require a play through of games rated at 16+ and 18+ resulting in a less accurate rating, though less time demand on the developers/publishers. I also believe that the age difference between a 16 year old and an 18 year old is too small to have much difference. I know that there is a large variation in each person's mental maturity between the ages of 15-20 (and obviously beyond these limits) but i feel that there is less of a difference between people aged 16 and 18 than 15 and 18. I think that an age rating bracket of 15 is more appropriate than 16.
My reasoning for this is school year segregation: At 14/15 teenagers are entering into their first year of GCSE preparation. They are no longer thinking of themselves as part of the lower school but instead as part of the middle school. At 16 they are mentally preparing to move into the upper school (A/AS level) and so their mentality is similar to that of a 17/18 year old in the year above. The maturity difference between moving from the lower to middle school to upper school makes more sense than two very similar age groupings.

Q32: What are the key advantages with this option and why?
Having one system across the whole EU will reduce developer and publisher overhead with regards to ratings and will deliver a standard which will benefit the legal side of the system.
Q33: How do you think this system would work for the following key stakeholders:
(i) the consumer?
It would take considerable education for consumers to fully understand the icons and rating system that PEGI uses. Perhaps an icon overhaul should be considered for this option as certain icons are not easily understandable. For instance, the swearing/bad language icon is instantly recognisable whereas the violence icon (a picture of a fist with an 'impact' effect) is less clear. This is more of an issue in countries such as the UK where the PEGI standard is relatively new and obscure.
(ii) the games industry?
It would make rating a game a slightly easier process for the industry. However, having to submit and obtain separate certifications for the same game on different platforms makes little sense.
(iii) the retail industry?
It would not have much of an impact on the retail industry.
Q34: What suggestions do you have to improve the system for any of the key stakeholders?
As stated above i believe that PEGI should require play throughs for the rating brackets of 16+ and 18+. I believe that 16+ should be changed to be 15+ because, as is the case in the US (where M and AO are used) the current ratings age brackets are too similar. PEGI should not require separate submissions for a game on multiple platforms and instead should have means to do so under the main filing for the game - depending on the difference in content over the different platforms.
Q35: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?
I think the current system already addresses these problems, it's just that the public cause the problems to exist in the first place by not understanding the ratings or paying attention to the content of these games.

Q36: How do you think this system will last into the future?
I think that the system, with some minor changes would be fine moving forward.
Q37: Do you think this option would work in the online environment?
(i) If so, what would be the benefits?
I believe that it would - though no currently offered option is fool proof - though any method that would ensure the strict adherence to a certain age rating would not be tenable in the current industry. Instead online ratings should be a guidance as to the content contributed by the companies involved. Content contributed by the public cannot be effectively moderated without stifling the online component.
(ii) If not, what would be the problems and do you have any solutions?
As stated above, i do not believe that any online component can be sufficiently policed or moderated so as to stick to a certification. User contributions (whether through content or voice/text chat) are only marginally enforcable and must be based on an honour system backed up by code of conducts and monitoring by the industry bodies involved in the running of the online environment. Ultimately, publishers and developers should not be held accountable for content that they themselves have not produced.
Q38: Is there any other information that you think Government should take into account when considering the monetary costs of this option?
This option would be cheaper for the games industry and less of a strain on development teams as having playable code for the rating system is a drain on resources.
Q39: Who do you think would be the right body to take on the role of statutory classifier of video games and why?
I think that the experience that the BBFC have currently would make them an ideal candidate for this role. I do not know of any other body currently operating in the UK that has this experience.
Q40: Do you think the body given in answer to Q39 would be able to set up the systems required to carry out this statutory function and why? But if not, why not?
I believe that the BBFC already have systems, methods and manpower in place that would be required to carry out this function.

<p>Q41: Do you think this option would be more or less costly to the games industry than both the current system and the hybrid system and if so what evidence do you have of this?</p>
<p>I think this option would be less costly to the games industry compared with all other scenarios. Unless the cost of rating a game with PEGI would increase as a result of this option, the companies would not have to pay each country with a separate rating body money as opposed to a single payment for certification.</p>
<p>Q42: Do you think the BBFC should continue to rate all content (games and video) of discs which contain film or video content not integral to the game and why? [please refer to footnote 5 in answering this question]</p>
<p>If the video content is based around the same content as in the game then it should be rated by the same body that are rating the game. It would not make any sense to rate them differently.</p>
<p>Q43: Do you think PEGI should rate the game content, while the BBFC rates the film/video content and why?</p>
<p>(i) If so, should both symbols be on the box?</p> <p>No - for the reason stated in Q42 - it makes no sense to have what would essentially be the same content (i.e. based on the same premise - you would not get Disney's Wall-e game with a video disc containing extreme gore and violence) rated differently and by a different organisation.</p>
<p>(ii) In the event of different age ratings, should only the higher symbol prevail?</p>
<p>Q44: It would be helpful to have your views on whether this option would affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them. (Please refer to Paragraph 2.36)</p>
<p>PEGI ratings would result in more games being rated at 15+ and above thus (if legally backed) reducing the market for these games and since the UK is one of the strongest games markets in the EU then it would have a significantly negative impact on the income of developers and publishers. It would also skew the production of games by a further margin over toward lower rated games which would not address the growing 18 and over segment of the gaming populace due to the lucrative markets being 15 and upwards.</p>

Option 4 – Voluntary Code of Practice

There would be no changes made to the legislation so the BBFC and PEGI would continue to classify games as they currently do. The Government would ask retailers and suppliers to sign up to a voluntary Code of Practice to secure adherence to the classification system when selling or supplying video games to children aged 12 or above, even though a statutory offence would not be committed if they broke the code. This Code of Practice would focus on classification and consumer protection and would follow the guidelines outlined in the review. If tougher measures were called for, this could be backed up with statutory legislation calling on the industry to consult and agree on a Code of Practice, breach of which could then be taken into consideration during a prosecution.

Q45: What is your overall assessment of whether this option would work and why?

While i believe that this option has merits i think that lack of legal reinforcement would effectively leave the industry open to attack from the media and civil cases when no evidence supporting certain claims exists. With legal backing there can be no complaint that nothing is being done to protect 'children' and society from perceived injustices.

Q46: What are the key flaws with this option and how could it be adapted to overcome them?

I think that consumer protection needs to be addressed: specifically pertaining to purchasing rights and quality of the product. Warrantees should be extended to the European minimum (which is two years, not one) and consumers should be able to return products that they are dissatisfied with or that are defective and expect to be fully imbursed (within a reasonable time period. For online components, such as digital downloads, protection against planned obsolescence (e.g. Digital Rights Management schemes) with patches to remove these unnecessary obstacles to the legitimate consumer should be addressed legally. EULA (End User License Agreements) should be deemed inadmissible as a legal document due to their complete lack of consumer rights and heavy leanings towards the interests of the company.

Q47: What are the key advantages with this option and why?

The games industry and retail industries would be able to discuss and implment a scenario that is ameanable to them - though this discounts any consumer involvement.

Q48: How do you think this system would work for the following key stakeholders:

<p>(i) the consumer?</p> <p>This option would not currently change the consumer's experience.</p>
<p>(ii) the games industry?</p> <p>I do not believe that it would significantly change the industry's certification process.</p>
<p>(iii) the retail industry?</p> <p>It would not significantly change the retail operation.</p>
<p>Q49: What suggestions do you have to improve the system for any of the key stakeholders?</p>
<p>I do not believe that this system would improve past the current system regardless of suggestions.</p>
<p>Q50: Do you think this system is sufficient to reflect the evidence on potential harms raised by the Byron review and if not why not?</p>
<p>I believe that the main failings pointed out by the Byron review rest squarely on the shoulders of retail and the public. Retailers need a universal system whereby they can assure that games will not be sold to people under the certified age bracket. Maybe a photographic and age library card (issued for children up until the age of 16 or 18) could be used as an ID card to ensure an universal standard to prevent these sales. The ratings agencies have little to no control over these problems and the games industry has no input either way. Secondly the public need to stop blaming their ignorance on the certified content of these games on the ratings bodies and the games industry. The rated age brackets are clearly indicated on the box and even if a parent/guardian do not explicitly know what content is contained within the game then this should point to what they should expect.</p>
<p>Q51: How do you think this system will last into the future?</p>
<p>I think this system could last into the future as long as there is more communication towards the public and retailers.</p>
<p>Q52: Do you think this option would work in the online environment?</p>
<p>(i) If so, what would be the benefits?</p> <p>I think that the majority of companies (especially console manufacturers) are scared of the potential negative impacts that bad press, from mistakes</p>

<p>or oversights in online components with regards to public safety, would have on their brand that the current rating system combined with self-policing is of little concern.</p>
<p>(ii) If not, what would be the problems and do you have any solutions?</p>
<p>Q53: Is there any other information that you think Government should take into account when considering the monetary costs of this option?</p>
<p>I think that the industry would prefer to have a single standard across the EU due to the simplicity of the arrangement - even if it ended up costing slightly more.</p>
<p>Q54: Do you think industry would sign up to such a code?</p>
<p>I believe that they would due to the desire to appear to be doing something about the problems. I do not currently believe that there is anything they can do to improve the current situation.</p>
<p>Q55: Would this incur any additional costs to industry (games or retail) and can you provide evidence of this?</p>
<p></p>
<p>Q56: Do you think that this would work in practice on the ground?</p>
<p>I think that it could work but is dependent on increased understanding on the part of the public and the implementation of a universal ID card system (not an overbearing one like the proposed passport system) for children would make reduction in sales of inappropriate materials to children easier.</p>
<p>Q57: It would be helpful to have your views on whether this option would affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them.</p>
<p>I do not believe that it would affect developers from the current arrangement regardless of their base of operations.</p>

Criteria for consultation

This consultation follows the Cabinet Office *Code of Practice on Consultation*. In particular, we aim to:

- consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy;
- be clear about what our proposals are, who may be affected, what questions we want to ask and the timescale for responses;
- ensure that our consultation is clear, concise and widely accessible;
- ensure that we provide feedback regarding the responses received and how the consultation process influenced the development of the policy;
- monitor our effectiveness at consultation including through the use of a designated consultation co-ordinator; and ensure our consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full text of the code of practice is available at:
www.berr.gov.uk/files/file44364.pdf

Confidentiality of information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, among other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties.