

BERR Ref: 01.04.05/5172c

Mr Nell Maybin

Via e-mail

[<mailto:request-9379-04be6460@whatdotheyknow.com>]

1 April 2009

Dear Mr Maybin

**Freedom of Information case 09/0419**

Thank you for your e-mail of 14 March 2009 requesting information through the Freedom of Information Act 2000.

You asked for the following information to be made available to you.

1. Please disclose all correspondence (fax, email, letter, telephone records etc) that has been exchanged since 2006 concerning Internet advertising using Phorm/121 Media products between Lord Carter of Barnes and BT, and between Lord Carter of Barnes and Phorm/121 Media.
2. Please disclose all correspondence (fax, email, letter, telephone records etc) that has been exchanged since 2006 between Lord Carter of Barnes and NebuAd, between Lord Carter of Barnes and Adzilla, and Lord Carter of Barnes and Front Porch.
3. Please disclose whether Lord Carter of Barnes has met with BT and/or Phorm/121 Media to discuss Internet advertising. What were the dates, agenda and minutes of those meetings?
4. Please disclose whether Lord Carter of Barnes has met with companies, groups or individuals opposing the interception of communications for the purposes of customising Internet advertising. What were the dates, agenda and minutes of those meetings?
5. When was Lord Carter of Barnes first made aware of the trials of Phorm/121 Media systems in 2006/2007?
6. Please disclose whether Lord Carter of Barnes has met with Lord West of Spithead to discuss Internet advertising. What were the dates, agenda and minutes of those meetings?

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Business Group V UG27, 1 Victoria Street, London, SW1H 0ET  
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I am writing to confirm that the Department has now completed its search for the information which you requested on 14 March 2009. Although you asked for information since 2006, the search for documents was started from 13 October 2008, the date when Lord Carter was appointed as a Minister at BERR.

**Question 1**

A copy of the information is enclosed. Personal information has been redacted in line with Section 40 of the Freedom of Information Act 2000.

**Question 2**

Following a search of our paper and electronic records, I have established that the information you requested is not held by this Department.

**Question 3**

Lord Carter met with Phorm on 18 November 2008. Following a search of our paper and electronic records, I have established that no agenda or meeting note has been produced.

**Question 4**

Following a search of our paper and electronic records, I have established that the Department does not hold any record of meetings between Lord Carter and the following people that your e-mail of 22 March 2009: Sir Tim Berners Lee; (the World Wide Web Consortium); Nicholas Bohm, Richard Clayton (The Foundation for Information Policy Research); Jim Killick (Open Rights Group), Becky Hogge (Open Rights Group), No2ID, Liberty.

**Question 5**

Following a search of our paper and electronic records, I have established that the earliest date that Lord Carter, was made aware of the trials of Phorm121 was Thursday 6 November 2008.

**Question 6**

Following a search of our paper and electronic records, I have established that the Department does not hold any record of meetings between Lord Carter and Lord West of Spithead to discuss internet advertising.

If you have any queries about this letter, please contact me quoting the reference number above.

Yours sincerely



Patrick Balchin

## Appeals procedure

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter. If you wish to request an internal review please contact me.

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

**Stephen A Carter CBE**

Minister for Communications, Technology  
and Broadcasting

Mr Kent Ertugul  
Founder & Chief Executive Officer  
Phorm Inc.  
Liberty House  
222 Regent Street  
London  
W1B 5TR

Our ref: JH/99862

Your ref:

November 2008

Thank you for your letter of 14 October, and its kind message of congratulations, following my appointment as Minister for Communications, Technology and Broadcasting.

Gordon Brown has identified financial instability as one of the key challenges facing the nation. I see my converging role within both BERR and DCMS as crucial to the creation of the right conditions for communication technology businesses to meet this challenge, whilst establishing a stable basis on which to go forward. These are serious times, but it is an exciting time to be in Government I am proud to have this opportunity to make a contribution to the country's future.

I look forward to meeting with you on 18 November, at 10am.

**STEPHEN CARTER**

14<sup>th</sup> October 2008

The Lord Carter, CBE  
Minister of State for Communications, Technology  
& Broadcasting  
c/o Department for Business, Enterprise & Regulatory Reform  
1 Victoria Street  
LONDON  
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[www.phorm.com](http://www.phorm.com)

Dear Lord Carter,

I write to congratulate you on your new appointment with responsibility for the IT industry, and enquire if you might be able to spare time in your busy diary to meet me for lunch so that I might brief you on our company and significant recent developments.

Phorm is a technology company listed on the London Stock Exchange that specialises in online behavioural advertising. As you may be aware, earlier this year we announced exclusive agreements with the UK's three major ISPs: BT, Virgin and TalkTalk.

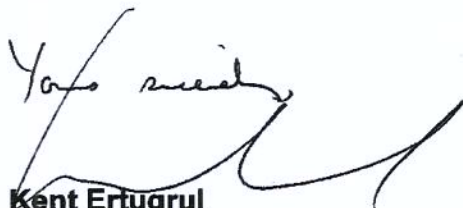
Our industry-changing software platform, which is currently being subjected to rigorous "live" testing by BT, will greatly improve the efficiency of online advertising and set a new benchmark for consumer privacy. In a nutshell, Phorm's technology will allow Internet Service Providers and millions of ordinary website publishers to generate revenue from advertising. The trickle-down effect of this new revenue model will bring rich and diverse free content for consumers and, as the UK's regulators have recently suggested, could provide the key to unlock private sector investment in next generation broadband - an essential component of the UK's continued competitiveness.

Phorm's model has been very thoroughly scrutinized by EU and UK regulators as well as by independent privacy advocates. On 16<sup>th</sup> September, in response to a question from the European Commission, the Department for Business, Enterprise and Regulatory Reform and the Information Commissioner's Office confirmed that Phorm's technology is acceptable in the UK's regulatory and legal environment.

According to Simon Davies, the veteran privacy campaigner and CEO of 80/20 Thinking, who conducted an exhaustive nine-month privacy impact assessment: *"Phorm has successfully implemented privacy as a key design component in the development of its technology system. In contrast to the design of other online targeting systems, careful choices have been made to ensure that the collection of personal data in the Phorm system itself is eliminated ... Phorm has demonstrated a level of engagement and public responsiveness rarely seen in the UK IT sector."*

Phorm, Inc.  
Registered no. 5049875  
Registered office: Liberty House,  
222 Regent Street, London W1B 5TR

The continued success of the rollout of Phorm's technology, with ISP partners in the UK and globally, is dependent upon a robust and sincere engagement with policymakers and privacy advocates. Our focus is to anticipate and understand legitimate public concerns. This is also, I believe, the principal concern of the Government. For this reason, I feel sure a meeting would be enormously productive and rewarding for both sides, and I look forward to hearing from you. My office direct line is [REDACTED].

A handwritten signature in black ink, appearing to read 'Kent Ertugrul', written in a cursive style.

**Kent Ertugrul**  
Founder & CEO