



Department for Digital, Culture, Media & Sport

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8 September 2020

Deborah Edwards
request-675873-6d34b27a@whatdotheyknow.com

Our Ref: FOI2020/12532

Dear Ms Edwards,

Thank you for your emails of 10 and 12 July in which you made the following request for information:

“The government published guidelines on working safely during coronavirus for the performing arts. Ref: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/performing-arts#arts-5-2>

Please could you provide me with the information on the evidence (scientific or anecdotal) supporting these guidelines.”

We have dealt with your request under the Freedom of Information Act 2000 (the Act). I can confirm that the Department for Digital, Culture, Media and Sport (DCMS) holds information in scope of your request. However, we have determined that some of this information is exempt from disclosure under section 35(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 disclosure may be of benefit because:

- Greater transparency makes government more accountable to the electorate and increases trust;
- the desirability of citizens being confident that decisions are taken on the basis of the best available information;
- Knowledge that the arguments relating to a debate will be released could in fact improve the quality of those arguments. Far from inhibiting the frank provision of advice, there might be circumstances where the prospect of disclosure would enhance the quality of advice;
- There is a particular public interest in understanding decisions made relating to the Covid-19 pandemic.

However, while acknowledging these benefits we consider 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 because:

- Ministers and their officials need space in which to develop their thinking and explore different options in communications and discussions. This is particularly pertinent where matters relate to ongoing work;



- We are continuing to use the information at issue here to inform the development of our ongoing policy. The government's response to Covid-19 is ongoing and decisions relating to departmental sectors are dependent on the state of the pandemic at the time;
- Ministers and their officials need to be able to think through all the implications of different options. In particular, they need to be able to undertake rigorous and candid assessments of the risks to particular programmes and projects;
- Good government depends on good decision making and this needs to be based on the best advice available and a full consideration of all the options - there may be a deterrent effect on external experts or stakeholders who might be reluctant to provide advice because it might be disclosed, thus creating a 'chilling effect'. This is not in the public interest.

We therefore find that the balance of public interest lies in withholding this information.

Since the submission of your FOI request, the results of PERFORM study on the specific transmission risks associated with singing and playing wind instruments, commissioned by DCMS, have been published. This information is exempt from disclosure under Section 21 (information available by other means) of the Act. This information is publicly available here: <https://www.bristol.ac.uk/news/2020/august/performsing-study.html>.

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. You have the right to ask the Information Commissioner (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.