



Department
for Business
Innovation & Skills

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Our ref: FOI2015/28657

09 February 2016

Mr Peter Geoghegan

Dear Mr Geoghegan,

Thank you for your email of 16th December where you requested the following information:

- 1. How many prosecutions have there been for paying below the National Minimum Wage in England and Wales;*
- 2. Please give details of any prosecutions including the date, the location, the number of people involved, and the company.*

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).

I can confirm that the Department holds the information you have requested.

1. There have been 9 successful prosecutions of employers for underpayment of the National Minimum Wage since 2007. HMRC refer the most serious cases for criminal investigation. The decision on whether to prosecute or not is made by the Crown Prosecution Service (CPS), who will consider the evidence provided in support of prosecution and whether it is in the public interest to prosecute.

2. Table 1 provides the details of all prosecutions to date for underpayment of the NMW. All of the prosecutions to date have been successful.

Table 1: Prosecutions for underpayment of the National Minimum Wage

Area	Offence	Fine	Costs	Compensation	Date
Walthamstow	31(5)(a)	£2,500	£500	nil	28/08/2007
Torbay	31(5)(b)	£1,000	£500	nil	01/10/2007
Nottingham	31(5)(b)	£500	£150	nil	30/04/2008
Sheffield	31(1); 31(2); 31(3); 31(4).	£700	£100	£9,065.85	02/07/2008
Sheffield	31(1); 31(2); 31(3); 31(4)	£100	£100	£2,009.74	02/07/2008
Nottingham	31(5)(b)	£3,500	£100	nil	21/07/2008
Rotherham	31 (2); 31(5)(b)	£2,250	£500	nil	13/02/2009
Manchester	31(1); 31(2); 31(3); 31(4); 31(5)(a); 31(5)(b)	£3,696	£820		23/06/2010
London	31(1); 31(5)(b)	£1,000	£1,000		26/02/2013

Source: HMRC

Details of individuals and organisations that have been prosecuted are withheld in accordance with Section 40(2)(personal data) of the Act. Section 40(2) exempts information from disclosure if that information constitutes personal data of someone other than the applicant, and if disclosure of that information would contravene any of the data protection principles in schedule 1 to the Data Protection Act 1998. In this case, we believe the names of the persons charged with offences under section 31 of the National Minimum Wage Act 1998 constitutes sensitive personal data, and disclosure would contravene the first data protection principle, which provides that personal data must be processed fairly and lawfully and comply with relevant necessary conditions.

Section 40(2) and section 40(3)(a)(i) apply to information whose disclosure would contravene any of the data protection principles in the Data Protection Act 1998 (or certain other provisions of the Data Protection Act 1998). This exempts information constituting the personal data of living individuals, the release of which would be in breach of the Department's obligations in respect of the Data Protection Principles as set out in the Data Protection Act. The definition of personal information to which section 40 applies is wide and can include references to

identifiable individuals. We have also withheld details of the companies or organisations which these people were trading under as disclosure of this information could lead to their identification.

Appeals Procedure

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 Information Rights Unit:

Information Rights Unit
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET
Email: FOI.Requests@bis.gsi.gov.uk

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. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

Labour Markets Directorate