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for Environment
Food & Rural Affairs

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Our ref: RFI 6810

Date: 9-Oct-14

REQUEST FOR INFORMATION: THE BRITISH HORSE SOCIETY ONLINE RAGWORT SURVEY

Thank you for your request for information, which we received on 13 August, about the British Horse Society online ragwort survey. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA). I apologise for the delay in sending you the information below. We are currently experiencing a high number of FOIA/EIRs requests making it difficult to respond within the deadlines. It has also taken some time to gather the relevant information together and ensure you have a full and accurate response to your request.

The terms of your request are as follows:

“A ragwort survey was recently announced by the British Horse Society in conjunction with Defra. This is a Freedom of Information request asking for all documents, emails and letters or any other record of communication relating to the design, approval, and construction of the survey including the nature of the questions to be asked.”

I enclose a copy of the information you requested:

- (1) 20140711 Response to BHS draft survey with comments
- (2) 20140718 Comments and suggestions sent to BHS draft
- (3) 20140721 Amended draft from BHS
- (4) 20140721 Latest corrected comments to BHS draft
- (5) 20140721 Amended draft from BHS, incorporating the corrected comments
- (6) 20140721 Defra's final comments on the survey draft

Some of the information that you have requested is available online via the following link:
<https://online.contractsfinder.businesslink.gov.uk/Common/View%20Notice.aspx?site=1000&lang=en&NoticeId=1529802>

We are withholding the names and contact details of those involved in the correspondence under the exemption at section 40(2) of the FOIA, which relates to personal data of persons other than yourself (the requester). Section 40(2) of the FOIA provides that



personal data relating to persons other than the requester is exempt information if disclosure would breach the Data Protection Act 1998 (DPA). We consider that disclosure of this information is likely to breach the first data protection principle in Schedule 1 to the DPA, which relates to the fair and lawful processing of personal data, in two ways. First, disclosure would not constitute 'fair' processing of the personal data and, second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 to the DPA. Therefore, we have concluded that this information is exempt from disclosure under section 40(2) of the FOIA.

As mentioned in Defra's acknowledgement letter to you, Defra's policy team would always be open to discuss with you the development of ragwort policy without the need for you to formally submit EIRs/FOIA requests if you would prefer that (please contact at).

In keeping with the spirit and effect of the FOIA, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the address below.

Yours sincerely,

Defra FOIA and EIRs Team
InformationRequests@defra.gsi.gov.uk

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF