



Department
for Environment
Food & Rural Affairs

Inland Waterways Team
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[REDACTED]

by email:

[REDACTED]

Our ref: RFI 6624 &
6626

Date: 27 June 2014

Dear [REDACTED]

REQUEST FOR INFORMATION: INFORMATION ON REVIEW MEETINGS UNDER SECTION 9 OF THE CANAL & RIVER TRUST GRANT AGREEMENT

Thank you for your request for information held regarding meetings which have taken place in accordance with the Canal & River Trust (CRT) Grant Agreement. As you know we have considered your request under both the Freedom of Information Act 2000 (FOIA) (reference RFI 6624) and the Environmental Information Regulations 2004 (EIRs) (reference RFI 6626).

Following careful consideration, we have decided not to disclose some of this information. I attach copies of the information which can be disclosed:

Papers from the Grant Review Meeting on 27th November 2013

- 1 Agenda
- 2 Note – this has already been released to you in response to your previous request so is not released again
- 3 CRTGR2 CRT Finance Report November 2013
- 4 CRTGR3 CRT Efficiency Report November 2013

Papers from the Grant Review Meeting on 2 April 2014

- 6 Agenda
- 7 Note
- 8 CRTGR2 Interim Financial Information – Management Accounts
- 11 CRTGR5 Strategic Goals, Objectives and Outputs – not attached – this is publicly available at: <http://canalrivertrust.org.uk/media/library/6589.pdf>
- 13 Note of Grant review meeting on 2 April 2014

Some information in these documents has been removed or redacted either because it is out of scope of the request or because it falls under the exemption in section 43(2) of the FOIA, relating to commercial interests, or where that information is environmental



information, it falls under the exception under regulation 12(5)(e) of the EIRs, relating to the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. Junior officials' names have also been redacted.

A final version of the CRT business plan is publically available at:

<http://canalrivertrust.org.uk/publication-scheme/publication-scheme/what-we-spend-and-how-we-spend-it>

The remainder of the information requested is being withheld, including one draft of the CRT business plan, as it falls under the exemption in section 43(2) of the FOIA, relating to commercial interests, or where that information is environmental information, it falls under the exception under regulation 12(5)(e) of the EIRs, relating to the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. The draft business plan and associated documents also fall under the exception under regulation 12(4)(d) of the EIRs, relating to material which is still in the course of completion, unfinished documents or incomplete data.

FOI section 43(2): Information may be exempt under section 43(2) of the FOIA if its disclosure would be likely to prejudice the commercial interests of any person ("person" here can include a company such as CRT).

EIR Regulation 12(5)(e): Information may be exempt under regulation 12(5)(e) of the EIRs if it is commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

EIR Regulation 12(4)(d): Information may be exempt under regulation 12(4)(d) of the EIRs if it is material which is still in the course of completion, unfinished documents or incomplete data.

Some of the information requested engages the above exemption under section 43(2) of the FOIA or, where it is environmental information, the above exceptions under regulation 12(5)(e) and 12(4)(d) of the EIRs because it refers to the commercial interests and activities of CRT such as generating income and contracts/agreements between CRT and third parties or because it is material which was still in the course of completion when provided to Defra.

In applying both the exemption under section 43(2) FOIA and the exceptions under 12(5)(e) and 12(4)(d) of the EIRs we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise that there is a public interest in disclosure of this information in the interest of greater transparency to the public about the accountability of Government funding provided to CRT and to ensure that public money is being used effectively. Therefore, most of the information from the Grant Review Meetings that have taken place under the Grant Agreement is being released.

However, the release of commercially sensitive information about CRT could have a detrimental effect on its commercial revenue by damaging its business reputation or the confidence which customers and business partners have in CRT. It could weaken CRT's competitive position by revealing market-sensitive information or information of potential usefulness to its competitors. Loss of commercial revenue to CRT would not be in the public interest because it could result in less money being spent on the waterways and their condition subsequently declining. Moreover, some of the environmental information in the documents was unfinished when provided to Defra.

Therefore, we have concluded that, in all the circumstances of the case, some of the information should be withheld.

In keeping with the spirit and effect of the FOIA and EIRs, 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 me.

Yours sincerely,

Inland Waterways Team

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) 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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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the Intellectual Property Office's website.

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