



Department  
for Environment  
Food & Rural Affairs

T:  
helpline@defra.gsi.gov.uk  
www.defra.gov.uk

[Redact]

**Your ref:**  
**Our ref:** RFI 5619  
**Date:** 1 August 2013

Dear [Redact]

### **REQUEST FOR INFORMATION: THEFTS, CREDIT CARDS, ETC.**

Thank you for your request for information about thefts, credit cards, properties, payments, functions and travel expenses, which we received on 3 July 2013. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA).

Each of your requests is addressed below.

*I would like a list of claims of compensation, insurance or theft made by staff within the department since 2010. I would like to know how much was claimed, what was claimed for, when it was claimed, why it was claimed and whether the amount was paid.*

The table attached as an Annex to this letter sets out details of compensation claims made by staff within Defra since 2010.

There were no claims for insurance.

In terms of claims for theft, I confirm that Defra does hold this information, but we have decided that it should be withheld under section 40(2) (third party personal data) of the FOIA as the information constitutes personal data relating to third parties, and disclosure would breach the Data Protection Act 1998 (DPA). The information you requested is considered to be personal data as, even in anonymised form, it is considered that it would make it possible to identify living individuals. Section 40(2) of the FOIA provides that personal data relating to third parties is exempt information if disclosure would breach the 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.

*I would like a list of credit card transactions made by staff on government cards since 2011. I would like to know what was paid for, how much was paid, when it was paid and why it was paid.*

Defra publishes details of Government Procurement Card transactions over £500 in line with the government's transparency agenda. This information is available at <http://data.gov.uk/dataset/defra-gpc-spend-over-500-pounds>.

Section 12(1) of the FOIA allows us to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate limit, which currently stands at £600. We consider that the cost of providing details of credit card transactions below £500 would exceed this limit and, as such, we are unable to provide this information.

*I would like a list of all the properties owned by the department in foreign countries. This includes the address, how much it costs the department to maintain and what the building facilitates.*

Defra does not own any properties in foreign countries, although it does occupy two properties in France.

*I would like a list of people or organisations who have received payments by the office since 2011. This includes payments to contracted staff, non-contracted staff, consultants or any other payments that have been made to individuals or consultants.*

Defra publishes details of expenditure transactions of over £25,000 in line with the government's transparency agenda. This information is available at <http://www.data.gov.uk/dataset/financial-transactions-data-defra>.

Section 12(1) of the FOIA allows us to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate limit, which currently stands at £600. We consider that the cost of providing details of expenditure transactions below £25,000 would exceed this limit and, as such, we are unable to provide this information.

*I would like a list of the functions that have been hosted by the department since 2009. This includes where the function was held, how much it cost to hold, what was provided for at the party, why it was held and a list of attendees (if possible).*

*I would like a list of all the travel expenses claimed by members of staff in the department since 2011. This includes the mode of transport taken, the company who owns the transport, where the journey was to and from, which member of staff claimed it, how much was claimed and the reason for the journey.*

The amount of information you are seeking in respect of both of these requests is very substantial, and gathering it together would involve a significant cost and diversion of resources from the Department's other work.

Section 12(1) of the FOIA allows us to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate limit, which currently stands at £600. On the basis of our estimates, we consider that the cost would exceed this limit and, as such, we are refusing your request.

The best way we can help you with this is to ask you to consider narrowing down your request to focus more clearly on the precise information you are seeking. You could, for example consider reducing the time period covered (e.g. instead of all functions since 2009 and expense claims since 2011, would you be content with information for a shorter period, such as a single financial year?).

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](http://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

[Redact]

## **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.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the Open Government Licence. For information about the OGL and about re-using Crown Copyright information please see The National Archives website.

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.

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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](mailto: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

## ANNEX

Details of compensation claims made by staff in Defra since 2010.

Number	When claimed	Amount	Reason (What/Why)	Paid
1	May 2010	£58,000	Claim made for two years' salary as compensation in return for termination of employment. Payment made on value for money grounds to avoid an Employment Tribunal and the risks and additional costs this would involve.	£45,000 paid
2	November 2010	£140,000	Claim made for compensation on the grounds of unfair dismissal and compensation. Payment made on value for money grounds to avoid an Employment Tribunal and the risks and additional costs this would involve.	Paid
3	February 2011	£50,000	Claim for damages for injury at work. Payment made on value for money grounds and the advice of lawyers to settle out of court.	£5,000 paid plus costs
4	February 2011	£20,000	Claim made as compensation in return for termination of employment. Payment made on value for money grounds to avoid an Employment Tribunal and the risks and additional costs this would involve.	£16,000 paid
5	July 2011	£21,000	Compensation payment of three months' salary in lieu of notice in excess of contractual conditions to facilitate a voluntary early exit.	Paid
6	August 2011	£1,300	Claim for loss of car leasing facilities following change in conditions of employment.	Paid
7	February 2012	£12,500	Claim made on the grounds of unfair dismissal. Payment made to avoid an Employment Tribunal and the risks and additional costs this would involve.	Paid
8	June 2012	£27,000	Claim made as compensation in return for early termination of employment. Payment made on value for money grounds to avoid lengthy notice period payments.	Paid