



Department
for Environment
Food & Rural Affairs

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www.defra.gov.uk

Your ref:
Our ref: RFI6024
Date: 2nd December
2013

Dear Mr [REDACTED]

REQUEST FOR INFORMATION: OFFICE OF SURVEILLANCE COMMISSIONERS INSPECTION REPORT

Thank you for your request for information about our latest inspection by the Office of Surveillance Commissioners (OSC), which we received on 11th October 2013. We have handled your request under the Freedom of Information Act 2000 (FOIA).

DEFRA were last inspected by the Office of Surveillance Commissioners in 2012 and the report regarding this inspection was received by us in January 2013.

Following careful consideration, we have decided not to disclose some of the information you requested.

I enclose a copy of the information which can be disclosed:

- Redacted copy of the OSC's covering letter.
- Redacted copy of the report.
- Copy of DEFRA's response to the report which includes a letter and a redacted table containing a summary of recommendations.

We do not hold any executive summary (point number 1 of you request) regarding this OSC report and therefore this cannot be provided.

The remainder of the information requested, in this case the redacted sections, is being withheld as it falls under the exemptions in sections 40 and 31 of the FOIA, which relates to personal data and law enforcement. Section 40 applies to the personal data which has been redacted as to release this information would breach the data protection principles, specifically the principle of fair processing of personal information. Section 31 applies to the remaining redacted information because this information relates to operational techniques used by us and to release this information could jeopardise our ability to prevent or detect crime.



INVESTORS
IN PEOPLE

In applying exemption 31 we have had to balance the public interest in withholding the information against the public interest in disclosure. Exemption 40 is an absolute exemption under FOIA and therefore the public interest test does not apply.

We recognise that there is a public interest in disclosure of information concerning the use of specific operational techniques in order that we are open and transparent about how we carry out our responsibilities.

On the other hand, there is a strong public interest in withholding the information because if information regarding the use of specific techniques including the frequency of their use is released, offenders could potentially use this information to change their activities in order to avoid detection or ascertain the likelihood of their activities being detected. This would prejudice our ability to prevent and detect crime.

Therefore, we have concluded that the information should be withheld.

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 me.

Yours faithfully,




Improving Regulatory Delivery Team

T: 
E: @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) 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