



Department
for Environment
Food & Rural Affairs

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Your ref:
Our ref: RFI 6016
Date: 16 January 2014

Dear

**REQUEST FOR INFORMATION: NORFOLK COUNTY COUNCIL WASTE
INFRASTRUCTURE PROJECT**

Thank you for your request for information, which is copied below:

“On 18 October 2013, Defra wrote to Norfolk County Council about the withdrawal of waste infrastructure credits for our residual waste infrastructure project. In advance of the letter being sent, Defra called the County Council’s Director on the phone to inform him of the letter. Please provide details of others who were informed about the withdrawal of the waste infrastructure credits.

Under the provisions of the Freedom of Information Act 2000 and/or the Environmental Information Regulations, please provide copies of information on each of those informed, as follows:-

- *Their name, position and organisation;*
- *The method by which there were informed, either formally or informally, for example by letter or by telephone call;*
- *Who they were informed by i.e. the name, position and organisation;*
- *When they were informed i.e. the date and time.”*

We have considered your request under the Environmental Information Regulations 2004 (EIRs). The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

The information that you have requested is provided in the attached document called “*List of People Informed of the Decision*”.



The table lists all the details that we have been able to find. You will see that for some entries we do not have a precise time for when a person was contacted. We have clearly identified these entries within the table and indicated an approximate time instead.

As we cannot identify a precise time for some of the contacts made, for their corresponding entries in the table we have invoked Regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the Information Commissioner's view, Defra has not conducted a public interest test in this case.

You will also see that we have withheld the personal contact details of certain individuals under Regulation 13 of the EIRs, which provides an exception for information which is the personal data of any third party, where disclosure would breach any of the data protection principles contained in the Data Protection Act 1998 ("DPA").

As regards the names of certain officials, this personal data is being withheld as the information falls under the exception in Regulations 12(3) and 13(2)(a)(i) of the EIRs, which relate to personal data relating to third parties. Regulation 13(2)(a)(i) of the EIRs exempts from disclosure personal data relating to third parties where disclosure would breach the Data Protection Act 1998 (DPA). In this case, we believe that disclosure of the information would breach the first data protection principle in Schedule 1 of the DPA 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 of the DPA. Release of names of junior officials poses a risk to the neutrality of the civil service, the names would add nothing to the public's understanding of this matter and the public authority's accountability does not require release of names. Consequently, we believe that Regulations 12(3) and 13(2)(a)(i) of the EIRs exempt the information from disclosure.

In keeping with the spirit and effect of the EIRs, all information is assumed to be releasable to the public unless exempt. The information released to you may now be published on our website together with any related information that will provide a key to its wider context.

Attached below are two annexes. Annex A explains the copyright that applies to the information being released to you. Annex B gives contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact the WIDP Programme Office at the address below.

Yours sincerely

WIDP Programme Office

Email: widp.programmeoffice@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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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