



Department  
for Environment  
Food & Rural Affairs

helpline@defra.gsi.gov.uk  
www.gov.uk/defra

[REDACTED]  
[REDACTED]  
(by email only)

**Your ref:**  
**Our ref:** RFI 6300  
**Date:** 4 March 2014

Dear [REDACTED]

**REQUEST FOR INFORMATION: Defra replies to the local authority correspondence**

Thank you for your request for the Defra replies to the local authority correspondence on new burdens submissions disclosed in connection with your earlier request (RFI 6068). We received your request on 13 February 2014. As you know, we are handling it under the Freedom of Information Act 2000.

The letters from Sevenoaks in March 2011 and the Wirral in June 2011 were addressed to DCLG and only copied to Defra. Therefore Defra did not respond. We do not hold copies of responses to the Reading and Cherwell letters received in August 2010. We enclose a copy of the information which is held and can be disclosed, with appropriate redactions.

Section 40

We have redacted third-party personal data under section 40(2) of the FOIA in respect of junior officials, individuals we have not been able to contact, and officials we do not believe to be in public-facing roles. Section 40(2) of the FOIA provides that personal data relating to third parties 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. Second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 to the DPA. The letters date from 2010-11, and in many cases it has not been possible to contact the original recipient due to staff changes in the intervening years. Release of names of junior or former officials would add nothing to the public's understanding of this matter and the public authorities' accountability does not



INVESTORS  
IN PEOPLE

require the release of names. Therefore we have concluded that information relating to staff in these roles is exempt from disclosure.

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 an annex 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

Valerie Hope

T: 020 7238 4675

## **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.

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.

---

## **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

