



Department
for Environment
Food & Rural Affairs

T: 08459 33 55 77
helpline@defra.gsi.gov.uk
www.defra.gov.uk

Your ref:
Our ref: RFI 6059
Date: 23/12/13

Dear [redacted]

REQUEST FOR INFORMATION: END OF WASTE CASE RELATING TO CARPET AND WOOD BRIQUETTES PRODUCED IN [redacted]

Thank you for your request for information about the application made by [redacted] for end of waste status on the briquettes produced at [redacted], which we received on 3rd December 2013. As you know, we have handled 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).

Following careful consideration, we have decided not to disclose some of this information.

I enclose a copy of the information which can be disclosed as an attachment to the email this letter was also attached to.

The remainder of the information requested is being withheld as it falls variously under the exception(s) in regulation(s) 12 (4) (e) and 12 (5) (d) of the EIRs, which relate to internal communications and confidentiality of commercial information respectively. Some of the small amount of information being withheld falls under regulation 12 (4) (e) as it consists of internal communications advising on various policies relating to your request. In addition, testing/sampling data from the company involved was sent to Defra at the time of the original Ministerial correspondence, which has been withheld on the grounds that it is likely to be commercially sensitive if made public.

In applying this/these exemption(s) / exception(s) 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 information concerning internal communications and advice, as this is of course key to the final outcome and disclosure would help the public see how decisions are made. There is also an interest in the commercially sensitive data being disclosed in order to provide a full and complete picture of the case that the request related to.

On the other hand, there is a strong public interest in withholding the information because it is vital that Defra's internal experts have confidence to give their opinions without fear that this may be later publicised. Releasing the internal communications around this subject risks undermining effective investigation of similar cases in the future by discouraging policy and evidence colleagues within the Defra from expressing their views on the matter openly. The vast majority of retained internal communication has in this case been disclosed, and that which has been withheld was carefully considered before concluding that the balance of public interest falls in those cases on the side of not disclosing the information. Furthermore, in the case of the testing and sampling data sent to Defra on behalf of the company in question, it is crucial that in such cases companies are not discouraged from sending Defra as much information on the case as possible for fear of this being potentially released to competitors at a later date. This would make it much harder for Defra to effectively scrutinise such cases in the future. Therefore, we have concluded that, in all these circumstances of the case, the information should be withheld.

In keeping with the spirit and effect of the 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

[redacted]

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