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RFI6166

16 January 2014

Dear

### **REQUEST FOR INFORMATION: Retailers' submissions to the Elliott Review**

Thank you for your request for information about the individual who submitted the FOI requesting the publication of the retailers' submissions to the Elliott Review, which we received on 13 January. We have handled your request under the Freedom of Information Act 2000 (FOIA)

Unfortunately, we cannot provide details about requestors – all such details are redacted from the responses we publish as to release them would be a breach of the Data Protection Act. This is because such information constitutes personal data relating to a third party. Section 40(2) of the FOIA and Regulations 12(3) and 13(1) of the EIRs provide that personal data relating to third parties is exempt information if disclosure would breach the Data Protection Act 1998 (DPA).

We would consider that disclosure of this information would 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 - disclosure would not constitute 'fair' processing of the personal data, and disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 to the DPA.

Defra's handling advice is below but you may also find this link to the Freedom of Information Act useful, <http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/code-of-practice>

5.6) Where disclosure of information could have direct consequences on third parties it is important to consult the third parties – please see the [guidance](#). Third parties can include: other government departments; devolved authorities; arms length bodies; external stakeholders, etc. However, please bear in mind that, although you are asking for details of the harm issues that are involved around disclosure of the information, the final decision as to whether the information would be disclosed rests with Defra, even if consultees have expressed objections to disclosure.

5.7) In cases where, despite objections to disclosure expressed by consultees, you and your colleagues determine that the public interest falls in favour of disclosure, you would usually inform consultees of Defra's decision before the disclosure occurs. You should explain why the consultees' objections were not sufficient to enable Defra to withhold the information and, if practicable, ask consultees to raise any further objections before you respond to the request within the deadline

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

Email: [helpline@defra.gsi.gov.uk](mailto:helpline@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 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.

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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