



Department  
for Environment  
Food & Rural Affairs

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

[REDACTED]  
Via email

**Our ref: RFI6527**  
**Date: May 2014**

Dear [REDACTED]

**REQUEST FOR INFORMATION: Copy of the independent equine expert's report on project funding applications commissioned by emda**

Thank you for your request for information about the independent equine expert's report which we received as part of your letter to the Secretary of State Owen Patterson MP dated 8 April 2014. We have handled your request under the Freedom of Information Act 2000 (FOIA).

Following careful consideration, we have decided not to disclose all of the report.

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

- **Report to the East Midlands Development Agency on RDPE project funding applications**

We are withholding some information as it falls under the exemption in section 41 of the FOIA, which applies where disclosure of information would cause a breach of confidence. The report in question was commissioned by emda in confidence with the single purpose of establishing whether investigation by Defra Investigation Services (DIS) was necessary. We are of the view that the contract in place between emda and the author of the report contains a confidentiality clause that is sufficient to suggest disclosure of the identity of the author of the report would be in breach of this contract; the inclusion of the clause indicates that the contractual aims were to ensure certain information provided by each of the parties is kept confidential.

Secondly, some information in the report is being withheld as it falls under the exemption in section 43 of the FOIA, which relates to confidentiality of commercial or industrial information. Under section 43 a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. Redaction has been made where the report references an individual trainer as this contains information on their business.



In applying this exemption under section 43 we have had to balance the public interest in withholding the information against the public interest in disclosure. There is also a public interest in withholding the information relating to the identity of the trainer contained in the report because the public interest lies in fair competition and disclosure of this information could provide competitors with information that would not normally be available to them.


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 then please contact me.

Yours sincerely

  
RDPE Delivery Team

## 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](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