



Department  
for Environment  
Food & Rural Affairs

T: 03459 33 55 77 or  
08459 33 55 77  
helpline@defra.gsi.gov.uk  
www.gov.uk/defra

Our ref: RFI 6921  
Date: 28 October 2014

Dear [REDACTED]

**REQUEST FOR INFORMATION: HEN HARRIER SUB-GROUP OF THE UPLANDS  
STAKEHOLDER FORUM**

Thank you for your request for information, which we received on 30 September, seeking copies of any communications (e-mails or letters dated April-September 2014) between Defra and the participants in the Defra Hen Harrier Sub-Group of the Uplands Stakeholder Forum concerning Hen Harriers and/or grouse shooting and/or the progress on the drafting of a joint report. 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).

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

- E-mail exchanges between Defra and participants in the Hen Harrier Sub-Group dated April-September 2014

Following careful consideration, we have decided that the names and contact details of government officials below Senior Civil Service level as well as of those of other sub-group participants below Director level should be withheld under regulations 12(3) and 13(1) of the EIRs as the information constitutes personal data relating to a third party. Regulations 12 (3) and 13(1) of the EIRs provides that personal data relating to third parties is exempt information if disclosure would breach the Data Protection Act 1998 (DPA).



INVESTORS  
IN PEOPLE

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 following information is also withheld:

- Minutes of the 24 March 2014 meeting of the Uplands Stakeholder Forum Sub-group on Hen Harrier (Draft)
- Joint Action Plan to Increase the English Hen Harrier Population (Draft)
- Joint Hen Harrier Recovery Plan Narrative (Draft)

This information falls under the exception in regulation 12(4) (d) of the EIRs, which relates to material which is still in the course of completion or to unfinished documents. In accordance with regulation 12(4) (d), a public authority may refuse to disclose information which relates to unfinished documents or incomplete data. Some of the information you requested are draft documents that the sub-group is still working on therefore, this exception is engaged.

In applying this exception 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 the draft minutes of the sub-group meeting held on 24 March 2014, the draft Joint Action Plan and the draft narrative as this would provide transparency in the process of workings of the sub-group. On the other hand, there is a strong public interest in withholding the information because these documents are working documents and therefore still subject to change, through discussion and agreement with all sub-group members. It is important that the sub-group members have time for further discussion on each of these draft documents to agree an appropriate way forward on a recovery plan to restore hen harrier populations in England and the messages they wish to convey. Therefore, we have concluded that the information currently in draft should be withheld. The minutes of the 24 March meeting will be signed off by the sub-group during its next meeting on 4 November. Please note that any subsequent request for information would be considered afresh.

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](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 the address below.

Yours sincerely,

  
**Defra FOIA and EIRs Team**  
[InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@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.

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