



Department
for Environment
Food & Rural Affairs

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www.gov.uk/defra

[REDACTED]

Your ref:
Our ref: RFI 6952
Date: 11 December 2014

Dear [REDACTED]

**REQUEST FOR INFORMATION: ORGANISATIONAL STRUCTURE OF DEFRA AND
DETAILS OF STAFF**

Thank you for your request for information, which we received on 15 October 2014, about how Defra is structured and details of staff members. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA). I apologise for the delay in responding.

The information that you requested can be classified into two categories:

1. Organisational structure of Defra, specifically:
 - a) How Defra is structured into directorates, units, offices etc.
 - b) Which directorate/unit the Climate Change Team is in.
 - c) Whether Industrial Pollution Control is a unit or an office, and its precise role.
2. Details of staff, specifically:
 - a) Positions, names and roles of all civil servants in each directorate/unit/office of mid - high seniority.
 - b) Requesting specifically the details of the positions, names and roles of staff in the Climate Change Team and Industrial Pollution Control.

Category 1, point a)

As you noted in your covering letter, the organisational structure of Defra requested in point 1.a) is publicly available online in an interactive organogram¹. I am also able to release the internal departmental organogram entitled 'Defra at a Glance', attached, which is produced for internal communications purposes. These two organograms are not entirely consistent as they are not equally up to date. Please note that the box containing details of Defra's legal advisors has been removed from the internal organogram attached. Those staff are employed by the Treasury Solicitor's Department (TSoL) and not by Defra and therefore we do not consider this information to be within the scope of your request.

In addition, the name of a senior member of staff handling contentious animal welfare issues is being withheld from this document under section 38(1) relating to health and safety.

¹ Accessible at <http://reference.data.gov.uk/gov-structure/organogram/?dept=defra&post=1>

In applying this exemption, 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 roles and responsibilities in government departments. Factors in favour of disclosure include the argument that Government is more accountable if information is exposed to public view, along with the desirability of citizens being confident that appropriate teams are in place to work on the main issues of the day. On the other hand, there is a strong public interest in withholding the information because staff should be able to undertake their duties without a risk to their health and safety from harassment; unwarranted interference; or severe and/or intrusive pressure from callers and activists. Therefore, we have concluded that in all the circumstances of the case, this name should be withheld.

Category 1, points b) and c)

In response to your request point 1.b), Defra's climate change mitigation and adaptation teams are situated within the Sustainable Business division of the Resource, Atmosphere and Sustainability directorate. This division is headed by Jonathan Tillson. As requested in point 1.c), the Industrial Pollution Control team are situated within the Atmosphere and Noise division of the Resource, Atmosphere and Sustainability directorate. This division is headed by Dr Cheryl Case. This team is responsible for government policy regarding the regulation and monitoring of industrial pollution.

Category 2

Following careful consideration, we have decided not to release the information requested within the second category beyond that which is already publicly available; that is the areas of responsibility and contact details of staff in the Senior Civil Service that are publicly available in the organogram cited above¹. The remainder of the information requested in points 2.a) and 2.b) is being withheld as it falls under the exemptions in section 36(2)(c) (prejudice to the effective conduct of public affairs) and section 40(2) (third party personal data) of the Freedom of Information Act 2000 (FOIA). In applying the former exemption, we have had to balance the public interest in withholding the information against the public interest in disclosure.

Section 36(2)(c) exempts information the disclosure of which would prejudice, or would be likely to prejudice, the effective conduct of public affairs. We consider that this exemption applies to the information you have requested in relation to non-SCS staff who are not in public-facing roles and whose contact details are not already legitimately in the public domain, including those relating to [REDACTED]. The posts in the two areas in which you expressed a specific interest in point 2(b) are not public-facing and, consequently, the names, positions and roles of these staff are not in the public domain. As mentioned above, in applying this exemption, we have to balance the public interest in withholding the information against the public interest in disclosure. The consideration of the public interest test is set out below.

We recognise the public interest in releasing information concerning roles and responsibilities in government departments. However, releasing the names of non-SCS staff does not add to any understanding of the structure of Defra or to Defra's accountability.

Moreover, there are public interest arguments in favour of withholding this information. Disclosure of the details of individual staff below SCS-level who do not work in outward-facing jobs would result in them receiving a significantly increased volume of unwanted

communications, both from companies marketing products and services and from members of the public who may or may not have a legitimate reason for contacting officials. This would result in significant disruption to the effective conduct of public affairs and subvert the arrangements, such as helplines, that Departments properly put in place to manage communications effectively and ensure they are quickly referred to the most appropriate contact point.

Finally, the FOIA requires that decisions on whether information is exempt under section 36 must be taken 'in the reasonable opinion of a qualified person', which for Defra means a Minister. I can confirm that in this case a Minister has concluded that disclosure would be likely to prejudice the effective conduct of public affairs.

We have also decided that the names and positions of non-SCS staff who are not in public-facing roles and whose contact details are not already legitimately in the public domain should be withheld under section 40(2) (third party personal data) of the FOIA, as the information constitutes personal data relating to third parties. 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. Therefore, we have concluded that this information is exempt from disclosure under section 40(2) of the FOIA.

Therefore, we have concluded that, in all the circumstances of the case, the information should be withheld.

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 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,

[REDACTED]

Defra FOIA and EIRs Team
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.

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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) 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