



Department  
for Environment  
Food & Rural Affairs

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**Your ref:**  
**Our ref:** RF7092  
**Date:** 21 January 2015

**REQUEST FOR INFORMATION: The agenda, minutes, meeting papers and attendees for the EuropaBio Event & Bayer CropSciences visit by Defra Chief Scientific Advisor Ian Boyd on 22 January 2014. Communications between Defra and EuropaBio or its member companies on preparation for and follow-up to these meetings. Ref. RFI7092**

Thank you for your request for information, which we received on 5 December 2014, about the EuropaBio event and Bayer meeting attended by the Defra Chief Scientist. We have handled your request under the Environmental Information Regulations 2004 (EIRs). I apologise for the delay in replying.

Much of the information you requested can be found in our response to a previous enquiry under the EIRs; please see <https://www.gov.uk/government/publications/the-growing-voices-event>. I enclose a copy of the additional information which can be disclosed, which consists of e-mail correspondence between Defra and EuropaBio and Defra and Bayer.

After careful consideration we have decided not to disclose some of the information that we hold which is within the scope of your request. This is because it falls under the exception at regulation 12(4)(e) of the EIRs. 12(4)(e) relates to the disclosure of internal communications, which is relevant because the withheld information consists of an internal Defra report on the outcome of the EuropaBio and Bayer meetings.

We have no formal minutes of the meetings. The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held



would serve no useful purpose. Therefore, in line with the Information Commissioner's view, Defra has not conducted a public interest test in this case.

A very small part of the information you requested is being withheld as it falls under regulations 12(3) and 13(1) (third party personal data) of the EIRs, as the information constitutes personal data relating to third parties. This data consists of names and contact details of people sending or receiving the correspondence disclosed. 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 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 regulation 12(3) and 13(1) of the EIRs.

### **Public Interest Test**

We recognise that many people have an interest in GM issues and how the Government is approaching them, and that there is a general public interest in disclosure. We also appreciate that openness can increase public trust in, and engagement with, the Government, and that the ultimate aim of the EIRs is to increase environmental protection by ensuring greater access to relevant information.

On the other hand, there is a strong public interest in withholding the information, which consists of an internal communication containing information on sensitive policy issues. Disclosing this particular document would undermine Defra's ability to engage effectively with stakeholders, and our ability to make and implement policy effectively. Departments need space to conduct some matters in private, and that is the case here.

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.

We attach Annex A, which explains the copyright that applies to the information being released to you. We 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 us.

Yours sincerely

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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## 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