



Department  
for Environment  
Food & Rural Affairs

T:  
helpline@defra.gsi.gov.uk  
www.defra.gov.uk

Your ref:  
Our ref: RF6437  
Date: 8 April 2014

Dear

**REQUEST FOR INFORMATION: RESPONSES TO THE 2010 Defra CONSULTATION ON THE COMMISSION'S PROPOSALS ON CULTIVATION OF GM CROPS AND SUBSEQUENT CONSULTATIONS ON DEVOLVING GM CROP CULTIVATION DECISIONS**

Thank you for your request for information about responses to the 2010 Defra consultation on Commission Proposals on the Freedom for Member States to Decide on the Cultivation of GM Crops and responses to any subsequent consultations on the issue of devolving GM crops cultivation decisions to Member States. We received this on 21 March 2014 and as you know we have handled your request under the Environmental Information Regulations 2004 (EIRs).

I enclose a copy of the 16 responses we received for the 2010 consultation. We did not carry out a further consultation exercise.

At various places in some of these documents we have withheld names under regulations 12(3) and 13(1) of the EIRs, as the information constitutes personal data relating to third parties. The information consists of the names and contact details of people responsible for the responses to the consultation. 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 and, second, disclosure would not satisfy conditions for data processing set out in Schedule 2 to the DPA. Consequently, we believe that Regulations 12(3) and 13(1) of the EIRs exempt the information from disclosure. In applying these exceptions we have had to balance the public interest in withholding the information against the public interest in disclosure.



INVESTORS  
IN PEOPLE

Taken overall, we have concluded that in the circumstances of this case the relevant information should be withheld.

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 me.

Yours sincerely

## **Annex A**

### **Copyright**

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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