



Department
for Environment
Food & Rural Affairs

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www.gov.uk/defra

[Redacted]

Our ref: RFI 6987

Date: 17 December 2014

Dear [Redacted]

**REQUEST FOR INFORMATION: IN RESPECT OF REPORTS IN TO THE SILTATION
OF MUSSELS IN NORFOLK**

Thank you for your letter, which we received on 3 November, requesting:

- Copies of any report or study into the decline of the Morston mussel or mussels in Morston or Blakeney harbours, in Norfolk, between January 2011 to date.
- Copies of any report or study into siltation or the accumulation of sand or silt in Morston or Blakeney harbours in Norfolk, between January 1 2011 to date.
- Copies of the minutes of any meeting concerning the accumulation of sand or silt in Morston or Blakeney harbours in Norfolk, between January 1 2011 to date.
- Copies of any reports, study or routine monitoring data concerning turbidity or the passage of silt from the rivers Stiffkey and Glaven, between January 1 2011 to date.
- Copies of any correspondence, internal or external, on the subject of the accumulation of sand or silt in Morston or Blakeney harbours in Norfolk, between January 1, 2011 to date.

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 apologise for the delay in responding.

Following a search of our paper and electronic records, I have established that some information that you have requested is not held by Defra, specifically:

- Copies of reports/or studies into the decline of the Morston mussel or mussels in Morston or Blakeney harbours, in Norfolk, between January 2011 to date.
- Copies of any report or study into siltation or the accumulation of sand or silt in Morston or Blakeney harbours in Norfolk, between January 1 2011 to date.
- Copies of the minutes of any meeting concerning the accumulation of sand or silt in Morston or Blakeney harbours in Norfolk, between January 1 2011 to date.
- Copies of any reports, study or routine monitoring data concerning turbidity or the passage of silt from the rivers Stiffkey and Glaven, between January 1 2011 to date.



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.

We have been able to locate information concerning the following part of your request:

- Copies of any correspondence, internal or external, on the subject of the accumulation of sand or silt in Morston or Blakeney harbours in Norfolk, between January 1, 2011 to date.

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

- Email correspondence between DEFRA officials with respect to the issue
- Email correspondence sent to DEFRA officials from the Shellfish Association of Great Britain (SAGB) and Mr Mark Randell.

The names of Defra officials have been withheld under regulations 12(3) and 13(1) (third party personal data) of the EIRs, as the information constitutes personal data relating to third parties. 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. The remainder of the information requested is being withheld as it falls under the exception in regulation 12(4)(e) of the EIRs, which relate(s) to correspondence considered to fall within the definition of *internal communications*. In this case the specific correspondence was between Defra officials.

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 information concerning the issue of accumulation of sand or silt in Morston or Blakeney Harbours. On the other hand, there is a strong public interest in withholding the information because the information reflects the development of media handling and it is within the public interest to protect such thinking space so officials can explore ideas for approaches to presentation which could also be easily misinterpreted as, in this case, it is a discussion between junior officials and does not represent the Government position.

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

We are aware the Environment Agency (EA) hold related information, and can be contacted at:

National Customer Contact Centre
Environment Agency
PO Box 544
Rotherham
S60 1BY
Or Email enquiries@environment-agency.gov.uk

Alternatively, we can transfer your request to EA, but before doing so we need your permission to notify us of your name and contact details. If you agree to this, please either sign and return to me the declaration at the foot of this letter or email me at the address below, quoting the reference number and date of this letter and stating that you authorize the transfer of your information request.

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 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.

Yours sincerely,

[Redacted]
Defra FOIA and EIRs Team
InformationRequests@defra.gsi.gov.uk



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I, [redacted], hereby authorise Defra to transfer my information request to the Environment Agency

Signature:

Date:

Name in BLOCK CAPITALS

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) 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