



Department
for Environment
Food & Rural Affairs

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08459 33 55 77
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Your ref:
Our ref: RFI 6946/6947
Date: 5 January 2015

Dear [REDACTED]

REQUEST FOR INFORMATION: Correspondence between the NFU and Defra on the National Pollinator Strategy, NPS meeting minutes between NFU representatives and Defra officials, the NFU's submission to the NPS Consultation, and briefings and submissions to any Defra Minister on the NPS

Thank you for your request for information, which we received on 15 October 2014, regarding correspondence on the National Pollinator Strategy. As you know, we have handled your request under Environmental Information Regulations 2004 (EIRs).

Following a search of our paper and electronic records, we have established that no information is held relating to meetings solely between Defra officials and NFU representatives on the National Pollinator Strategy. 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.

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

- NFU response to the Consultation on the National Pollinator Strategy
- Correspondence between Defra and NFU on the National Pollinator Strategy

The names and contact details of individuals have been withheld under regulations 12(3) and 13(1) (third party personal data) of the EIRs, as the information constitutes personal data. 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 relates to internal communications. Briefings and submissions to Ministers fall under this exception.

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 protection of pollinators. Increased public awareness would contribute to our goal of safeguarding the future of pollinators.

On the other hand, there is a strong public interest in withholding the information. It is important to protect the space necessary for government officials to debate issues in what is an ongoing and changing policy environment. The issues surrounding the condition and status of pollinators are still very much 'live' issues, and continue to be a priority for Ministers and Defra. The National Pollinator Strategy is an initial step in improving the condition of pollinators, but its implementation requires continuing room to develop ideas and additional policy responses. In this case the balance of interest falls in favour of not disclosing correspondence with Ministers.

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.

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

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) 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