



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 6342
Date: 25 March 2014

Dear [redacted]

REQUEST FOR INFORMATION: NOTES OF MEETINGS BETWEEN RICHARD BENYON AND THE SEAFISH INDUSTRY AUTHORITY TO DISCUSS MCZs

Thank you for your request for information about the notes and minutes from meetings between Fisheries Minister Richard Benyon and the Seafish Industry Authority to discuss Marine Conservation Zones since July 2012, which we received on 26 Feb 2014. 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).

Following a search of our paper and electronic records, I have established that the information that you have requested is not held by Defra. Richard Benyon has not met with representatives from Seafish Industry Authority to specifically discuss MCZs since 2012. We do not routinely hold notes and minutes of any informal discussions which may have taken place in the margins of other 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.

However, under our duty to advise and assist applicants in pursuance of regulation 9, I can confirm that to the best of our knowledge the information is not held by another public authority



I attach an annex 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

[redacted]

T: [redacted]

E: [redacted]

Annex

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