



Department
for Environment
Food & Rural Affairs

T: 03459 33 55 77 or
08459 33 55 77
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Your ref:
Our ref: RFI 6777
Date: 02 September 2014

Dear

REQUEST FOR INFORMATION: Correspondence regarding reduction of campylobacter in chicken

Thank you for your request for information concerning access to correspondence and meetings between Defra and the food industry about the reduction of campylobacter in chicken which we received on 28 July 2014. As you know we have handled your request under the Freedom of Information Act 2000 (FOIA).

In your letter you asked for:

- 1. Copies of all correspondence between the DEFRA and the food industry (both food producers and food retailers) regarding measures to reduce Campylobacter in chicken. Please provide correspondence between 01/02/2014 and 23/07/2014.*
- 2. Records of all meetings between the DEFRA and i) the food industry (both food producers and food retailers) regarding measures to reduce Campylobacter in chicken. Please look for meetings between 01/02/2014 and 23/07/2014. Please provide the date of the meeting, those in attendance and any minutes that were taken.*

I enclose copies in the email, which you will receive with this letter, of the information which can be disclosed.

In relation to the first part of your letter, correspondence between the Defra and the food industry concerning campylobacter, please find the following disclosed information:

- Correspondence between Defra/AHVLA and National Farmers Union regarding content for a poster and leaflet regarding campylobacter. This is in the attachment labelled "140306_NFU poster". The poster and leaflet are now in the public domain.



In relation to the second part of your request, records of meetings between Defra and the food industry regarding measures to reduce campylobacter in chicken:

- We discussed the paper at this link <http://rsob.royalsocietypublishing.org/content/4/1/130202.full.pdf+html?sid=20eb28e5-dfee-4a3d-8adb-94991eee2087> at a meeting with the FSA.
- Defra has attended meetings of the Joint Working Group on Campylobacter, which are attended also by industry members. The record of these meetings is publicly available at: <http://www.food.gov.uk/science/microbiology/campylobacterevidenceprogramme/wg/campy/>
- On 3 and 4 June (2014 a major event was held as part of the “ACT” Campaign (Acting on Campylobacter Together). This was organised and run by the Food Standards Agency (FSA). Defra staff were delegates on this event, as were members of the food industry. We are sending the slide presentation which forms the read out of this two day event, as well as the email under which it was sent (“140617_ACT cover email” and “140605_ACT event”).

In some of the attachments you will note that we have redacted the names of some officials who were privy to discussions. Section 40(2) of the FOIA enable personal data to be withheld if disclosure would breach the Data Protection Act 1998. It is commonly held that the disclosure of officials’ names other than members of the senior civil service or persons whose names are already in the public domain or have a public facing role would breach the first data protection principle in Schedule 1 to the DPA, which relates to “fair processing” of personal data.

The remainder of the information that you requested is being withheld as it falls under two exemptions as described below:

Section 41 – information provided in confidence. Defra has received (in correspondence) information in confidence via a third party and as a consequence of that agreement we are required to keep this information out of the public domain. In applying these exemption(s) 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 disclosing this information as this ensures public scrutiny of the activities of public authorities.

However there is a strong public interest in favour of keeping a duty of confidence intact. There is also no general public interest in disclosing confidential information in breach of a duty of confidence. Further to this Defra has to regard the interests of the person/organisation to whom the duty of confidence applies. We are satisfied that this agreement is under an obligation of confidence and to release such information would have the potential to damage the operational and business interests of that third party as to do so would potentially reveal information to competitors. We are also satisfied that as a result of a non-disclosure agreement we would be in breach of our duty of confidence to that third party were we to release the information that they provided to us.

We have correspondence, within the timescales you give, which follows up the meeting with the FSA mentioned in the first bullet point above. However, we are not going to release the notes related to these discussions because this is research at an early stage and may not go on to become public policy. Therefore we are withholding this information under s.35 of the Freedom of Information Act 2000.

Section 35 – formulation of public policy. As mentioned earlier, Defra was involved in a discussion with the FSA and the food industry, following the presentation of the Royal Society Open Biology paper at an NFU conference. This discussion involved opinions related to the possible direction of policy. These discussions are in the very early stages and there has been no further advancement. We believe that there is a powerful public interest in ensuring that there is a space within which ministers and officials are able to discuss policy options and delivery, freely and frankly; as well as any arguments which relate specifically to the information caught by the request. Although we recognise that there was a strong argument to release policy related to reducing campylobacter in chickens, we feel that this was outweighed by releasing information that would be misleading at this early stage of developments.

In keeping with the spirit and effect of the FOIA, 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 FOI and EIRs Team

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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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