



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 6409
Date: 15 May 2014

Dear

**REQUEST FOR INFORMATION: DEFRA AND NORFOLK COUNTY COUNCIL
CORRESPONDENCE**

Thank you for your request for “copies of all correspondence (letters and emails together with any attachments) relating to Norfolk’s Waste PFI between Defra and NCC, from March 1st to May 31st 2013.”

As you are aware, 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).

Please find attached to this letter the following documents:

- Correspondence 1 March to 31 May 2013.pdf
- Council30513agenda.pdf
- CSC 130604 agenda.pdf
- 20130520 NCC Residual Waste Treatment Contract.pdf
- 20130130 NCC Termination.pdf
- 20130130 Norfolk Transition + Planning.pdf
- 20130130 Norfolk Introduction.pdf



- 20130130 Norfolk Module 4 Construction.pdf
- NCC- Authority Change
- NCC- Contract Administration Overview
- NCC Benchmarking and Market Testing
- NCC Managing Service Perf
- NCC refinancing

In releasing these documents, we have applied the following exception as allowed by the EIRs:

Regulations 12(3) and 13(1) – withholding personal data relating to third parties

This personal data is being withheld as the information falls under the exception in regulations 12(3) and 13(1) of the EIRs, which relate to personal data relating to third parties. Regulation 13(1) of the EIRs exempts from disclosure personal data relating to third parties where disclosure would breach the Data Protection Act 1998 (DPA). In this case, we believe that disclosure of the information would breach the first data protection principle in Schedule 1 of the DPA in two ways. First, disclosure would not constitute 'fair' processing of the personal data and, second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 of the DPA. In particular we do not consider that there is a legitimate interest in disclosure in this case. Release of names of junior officials would add nothing to the public's understanding of this matter, and although there is a legitimate interest in disclosure as it would serve to promote even greater transparency and accountability, this interest has been met through the disclosure of the process through which the report was produced, to inform the Secretary of State's decision. Consequently, we believe that regulations 12(3) and 13(1) of the EIRs exempt the information from disclosure and therefore we have concluded that, in all the circumstances stated above, the information should be withheld

Public Interest Test

No Public Interest Test has been applied as all releasable information that is held is being released. The exception mentioned above does not require a public interest test to be applied.

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 WIDP Programme Office.

Yours sincerely

WIDP Programme Office

widp.programmeoffice@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 or logos) 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