



Department
for Environment
Food & Rural Affairs

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[redacted]

Our ref: RF18234
6 May 2016

Dear [redacted]

REQUEST FOR INFORMATION: COMMUNICATIONS RECEIVED BY MINISTERS, OR THEIR OFFICES, RELATING TO TAKEAWAY COFFEE CUPS SINCE 11 MARCH AND INFORMATION RELATING TO RESPONDING TO MEDIA ENQUIRIES ON THIS TOPIC

Thank you for your request for information, which we received on 24 March 2016, for (a) communications received by Ministers, or their offices, relating to takeaway coffee cups since 11 March 2016 and (b) information relating to responding to media enquiries on this topic. We have handled your request under the Environmental Information Regulations (EIRs) 2004.

For part (a) of your request, we hold external correspondence from members of the public and internal emails. We are withholding internal emails falling within the scope of your request under regulation 12(4)(e) (internal communications) of the EIRs. We are withholding personal data contained within external emails received by Defra under regulation 12(3) read in conjunction with regulations 13(1) and 13(2)(a)(i) (personal data) of the EIRs.

For part (b) of your request, a copy of the information that can be released is at Annex C. We are withholding personal data contained within this information under regulation 12(3) read in conjunction with regulations 13(1) and 13(2)(a)(i) (personal data) of the EIRs.

Regulation 12(4)(e) of the EIRs 2004 provides that internal communications of a public authority, including correspondence between officials in any government department, may be protected under this exception as it is often in the public interest that public authorities have the necessary space to think in private. This exception is subject to a public interest test and in considering this exception we have applied a presumption in favour of disclosure, as required by the EIRs.

We believe that there is a strong public interest in the disclosure of information as it allows the public to hold the Government to account, allowing them to assess the information and advice that is received by Ministers. We have balanced this against the strong public interest in maintaining a safe space for officials and Ministers to candidly and openly discuss issues, without external scrutiny. If the emails relating to this issue were to be

disclosed, we believe that officials and Ministers could be inhibited from having full, frank and open discussions in the future.

We have carefully considered the public interest arguments for and against disclosure of the information, as set out above and have concluded that the public interest is best served in withholding the information contained in internal emails for part (a) of the request.

Regulation 12(3) read in conjunction with regulations 13(1) and 13(2)(a)(i) of the EIRs provides that personal data relating to third parties should not be disclosed if disclosure would breach any of the data protection principles in 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. Disclosure would not constitute 'fair' processing of the personal data because the parties would not reasonably have expected their personal data, including their names, to be made public. Therefore, we are withholding information that would identify an individual in relation to external emails in part (a) and within the information held in relation to part (b).

We attach an annex giving contact details should you be unhappy with the service that you have received.

If you have any queries about this letter please contact the address below.

Yours sincerely,

[redacted]

Information Rights Team

InformationRequests@defra.gsi.gov.uk

Annex A

Copyright

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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 [redacted], Head of Information Rights, Area 4C, Nobel House, 17 Smith Square, London, SW1P 3JR (email: InformationRequests@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