



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 7675

23 September 2015

Dear [REDACTED]

REQUEST FOR INFORMATION: NEONICOTINOIDS

Thank you for your request for information, which we received on 30 July 2015, requesting “copies of correspondence between UK authorities (i.e. Defra, CRD and the ECP) with various organisations (NFU, Syngenta and Bayer) surrounding the recent (emergency authorisation) applications for use of the chemicals” in regard to the July 2015 decision to temporarily lift a ban (restrictions) on the use of neonicotinoid pesticides. As you know, we are handling your request under the Environmental Information Regulations 2004 (EIRs).

This response covers all correspondence between Defra and the above-mentioned organisations only. Defra’s letter of 28 August informed you that the Health and Safety Executive (HSE) will send you a separate response to your request for information relating to correspondence between the NFU, Bayer and Syngenta and the Chemicals Regulation Directorate (CRD) and the UK Expert Committee on Pesticides (ECP).

Following a search of our records, we have established that Defra does not hold any communications between Defra and Syngenta and Bayer on this issue. This 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.

With regard to correspondence between authorities and the NFU that you requested, Defra holds two email exchanges between Defra and NFU that include information on the applications for the emergency authorisation of two pesticides containing neonicotinoids. Following careful consideration, we have decided to disclose some of this information to you. However, you should be aware that both exchanges contain a lot of information that is not in scope of your request and some personal information. Therefore, to avoid



sending you heavily redacted documents, we have provided an extract of each. We have enclosed a copy of the information which can be disclosed and this letter provides further information on what we have redacted:

1. Email exchange between Defra's Crops Team, Farming Sectors, Food and Farming Directorate, and the National Farmers Union

This email exchange includes some information that is not about the emergency authorisation applications for neonicotinoid pesticides. This information is out of scope of your request and has therefore been excluded. All personal information (see explanation below) has also been redacted.

2. Email exchange between Defra's Nature Improvement Programme, Countryside and Nature Directorate to members of the Pollinator Advisory Steering Group (PASG)

Only Defra's and NFU's contributions are in scope of your request, therefore all contributions made by members other than Defra and the NFU, in addition to those contributions that are not about the emergency authorisation applications for neonicotinoid pesticides have been excluded. All personal information has also been redacted.

Under our duty to advise and assist applicants in pursuance of Regulation 9 of the EIRs, we can advise you that the PASG is the core leadership group of stakeholders working with Government officials to steer implementation and delivery of the National Pollinators Strategy (NPS).

The exchange also refers to the UK Expert Committee on Pesticides (ECP) and the Defra Chief Scientist (Chief Scientific Advisor). Their advice on the decision to authorise the emergency authorisations is already in the [public domain](#).

As mentioned above, these exchanges contain some personal information. We have decided that this information should be withheld under Regulations 12(3) and 13(1) (third party personal data) of the EIRs, as the information constitutes personal data relating to third parties and/or junior civil servants. 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.

Information disclosed in response to this EIR request is releasable to the public. In keeping with the spirit and effect of the EIRs and the Government's transparency agenda, this letter and the information disclosed to you may be placed on [GOV.UK](#), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

Annex A to this letter explains the copyright that applies to the information being released to you. Annex B gives contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely,

A large black rectangular redaction box covering the signature area.A small black rectangular redaction box covering the name of the sender.

Defra FOIA and EIRs Team

Area 4C, Nobel House, 17 Smith Square, London, SW1P 3JR

InformationRequests@defra.gsi.gov.uk

Annex A

Copyright

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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 Regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to [REDACTED] Head of Information Standards, Area 4D, 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, 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