



Rural Payments  
Agency

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24 January 2017  
Ref: RPA/ATI/IR/16/129

Dear [REDACTED]

### **Re: Internal Review on Request for Information**

Your email received on 5 December 2016 asked that RPA undertake an internal review into how your request for information number RFI 4252, handled under the Environmental Information Regulations (EIRs) 2004, was managed.

Your request of 29 September 2016 asked a number of questions in relation to importation of produce and its country of origin set out below:

1. *the identities of all importers of grapes labelled as "Grapaes" and/or "Early Sweet" from outside the European Union into the United Kingdom within the last 6 months;*
2. *the date(s) on which each importer imported "Grapaes" / "Early Sweet" grapes into the United Kingdom during the 6 month period (please provide the month(s) in which importation occurred if the specific date of importation is not available); and*
3. *the country (or countries) of origin of the "Grapaes" / "Early Sweet" grapes imported by each importer.*

### **Outcome of the Internal Review**

The Internal Review has decided that on reflection the RPA should have disclosed to you the information it held and enclosed is an annex of data entered onto the PEACH system. Please note that the RPA cannot attest to the accuracy of this information. The RPA and other UK bodies undertake a variety of control checks on imports, but the underlying information that has been disclosed is provided by the importers and or by clearance agents.

### **Consideration in more detail**

The first step in the review considered whether it was appropriate to handle the request under the Environmental Information Regulations (EIRs) 2004. When an organisation receives a request for information, it should consider whether the requested information is environmental and should be dealt with under the Regulations. In most cases this will be fairly clear. If the

requested information is not environmental, it will need to deal with it under the Freedom of Information Act. The review concluded that the information concerning the importation of grapes into the United Kingdom was Environmental Information.

The internal review then considered whether the information requested was exempt from disclosure under Regulation 12(5)(e) Commercial Confidentiality of EIR. The review agreed that RPA needed to consider its duty of confidentiality concerning information provided to it. However, when applying this exception, RPA needs to balance the public interest in maintaining the exceptions against the public interest in disclosure. In this case the review felt that RPA had not taken sufficient account of the presumption in favour of disclosure as required by regulation 12(2) of the EIRs. The review concluded that on balance disclosure of the information about the parties importing these grapes was unlikely to cause any legitimate harm to their commercial activity.

If you are not content with the outcome of this Internal Review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: – Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

**Information Rights Team**