



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 9590
6 February 2018

Dear

INFORMATION REQUEST: MINISTER COFFEY'S LETTER - 27 JULY & RESPONSES FROM LOCAL AUTHORITIES ON INCREASING THEIR RECYCLING RATES

Thank you for your request for information, which we received on 14 December 2017 about letters Minister Coffey sent to 34 local authorities in July of this year on their recycling rates and the responses that were received. We have handled your request for information 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).

We enclose a copy of the information which can be disclosed:

- Copies of the letters Minister Coffey sent to 34 local authorities on 27 July regarding their recycling rates.
- Copies of the emails and letters received from 24 of those authorities, including responses to the Ministers letter which were directed to Defra officials.

You will wish to note that while the London Borough of Islington received a letter from the Minister in July, as their 2015/16 published recycling rate was recorded below 30%, the council has since supplied additional information, clarifying certain aspects of their waste data return. This has resulted in their 2015/16 recycling rate being amended and increasing to over 30% (30.6%).

We have decided to withhold: the names of junior officials both from Defra and the local authorities, any signatures, and contact details that are not already publically available, under regulation 12(3) read in conjunction with regulations 13(1) and 13(2)(a)(i) of the EIRs, as the information constitutes personal data relating to persons other than you. These regulations provide that personal data relating to other persons is exempt information 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 junior officials involved are not in public facing roles and would not reasonably have expected their names to be made public, and likewise those involved in the correspondence would not reasonably have expected that their signatures or contact details would be made public.

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](https://www.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.

We attach Annex A explaining the copyright that applies to the information being released to you, and 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 me.

Yours sincerely,

Information Rights Team
InformationRequests@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) 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 Nick Teall, Head of Information Rights, Area 4A, 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's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure. The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF