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Food & Rural Affairs

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Our ref: RFI 9267
Date 6 October 2017

Dear

REQUEST FOR INFORMATION: MEETINGS WITH MINISTER THERESE COFFEY

Thank you for your request for information, which we received on 21 August 2017. You requested all minutes, notes and correspondence associated with Minister Dr Therese Coffey's meetings with:

- Food and Drink Federation; Packaging Federation and Incpen, 'to discuss packaging', January 2017;
- M&H Plastics and the British Plastics Federation, 'to discuss packaging', February 2017;
- Coca Cola, 'to discuss recycling and waste infrastructure', March 2017.

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).

We have interpreted your request as asking for correspondence between the above organisations and Minister Coffey on the setup and content of the meetings, as well as information relating to the outputs from the meetings.

Following careful consideration, we have decided not to disclose some of this information.

We enclose copies of the information which can be disclosed. We have withheld the email addresses and the personal details of correspondents 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.

The remainder of the information that you requested is being withheld as it falls under the following exceptions of the EIRs:

- regulation 12(5)(a) which relates to international relations. Part of a letter is withheld as it relates to negotiations with the European Union on the Circular Economy proposals on waste directives which are still ongoing.
- regulation 12(4)(e), which relates to internal communications. The information withheld comprises records purely for internal use which were not circulated externally.

In applying these exceptions, we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise that there is a public interest in disclosure of information concerning meetings with Defra ministers since it provides for transparency and facilitates the public's understanding and participation.

On the other hand, there is a strong public interest in withholding the information in this instance. Releasing information that relates to ongoing negotiations with the European Union on the Circular Economy proposals on waste directives would adversely affect our relationships with the European Commission and Member States. Also, it is essential to maintain a safe space for government to formulate and develop policy proposals and vital that officials and ministers have space to test policy options effectively within meetings and through the use of meeting minutes and briefings, particularly where issues are live or where the policy-making processes across government are ongoing. If this information were to be disclosed, officials and ministers may be inhibited from having full, frank and open discussions in the future, particularly if they felt that information relating to live policy issues would be released before final decisions were made on those issues, which could hinder that process. This could lead to lower quality decision making in future. Therefore, we have concluded that in all the circumstances of the case, the information should be withheld.

We attach at Annex B contact details should you be unhappy with the service that 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

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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 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