



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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Our Ref: ATIC2070

[Redacted]

{By Email}

01 July 2020

Dear [Redacted]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information on an import which we received on 4 June 2020. Your request has been handled under the Freedom of Information Act 2000 (FOI).

This request was originally treated as a Subject Access Request (SAR), however as this is not a request for an individuals information, rather for a company it is now being treated under FOI.

The information you requested and our response is detailed below:

With reference to a letter sent to you by APHA as a representative of Shahkhurram Export & Import Pvt Limited and dated 30 April 2020.

“In the 4th paragraph of your letter, you have made reference to the PEACH declaration made by the importer or their agent on 18 September 2019. Please provide a copy of the documents for review.”

For clarity we have included our response concerning the PEACH declaration. “The information for our notification to the European Commission is, in part, drawn from the PEACH declaration made by the importer or their agent that informs the Plant Health and Seed Inspectorate (PHSI) of the import. This entry was made on the 18th September. When reviewing the draft notification the inspector noted a discrepancy between the exporter details on the PEACH declaration and those recorded on the Phytosanitary Certificate. In order to verify the correct information the inspector contacted the importer’s agent, who confirmed that the details held on PEACH were correct and that those on the Phytosanitary Certificate were not accurate.”

You have requested a copy of the original notification that was sent to the National Plant Protection Organisation (NPPO) in Bangladesh. Unfortunately this is not held by APHA

APHA is an Executive Agency of the Department for Environment, Food and Rural Affairs and also works on behalf of the Scottish Government, Welsh Government and Food Standards Agency to safeguard animal and plant health for the benefit of people, the environment and the economy.

since this document is sent from the EU Commissions own IT system (EUROPHYT) from data supplied by the UKs IT systems. The data held by the UK that relates to the nature of the import is entered by the importer or their agent as part of the advanced notification of landing that is required under EU law.

Although APHA do not hold the specific document, we can supply the raw data held in our own IT systems which the Commission used to populate the EU notification. This raw data is attached as Appendix 1.

The information that we have provided is a true reflection of the information that we have access to. We can't guarantee the accuracy of this data, as we can only rely on the information that has been input into EUROPHYT by a third party.

Section 40

Some of the information contained within the requested documents have been withheld under section 40(2), read in conjunction with 40(3A)(a), (third party personal data), of the FOIA as the information constitutes personal data relating to a third party. Section 40(2), read in conjunction with 40(3A)(a), of the FOIA provides that personal data relating to third parties is exempt information if disclosure of that information would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (GDPR).

APHA consider that disclosure of this information is likely to breach the first data protection principle in Article 5(1)(a) repeated in 35(1) DPA, which provides that personal data must be processed lawfully, fairly, and in a transparent manner in two ways. First, disclosure would not constitute 'fair' processing of the personal data, second, disclosure of that information would not be 'lawful'. Therefore, we have concluded that this information is exempt from disclosure under section 40 of the FOIA.

Information disclosed in response to this FOI request is releasable to the public. In keeping with the spirit and effect of the FOI 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.

An Annex is attached which explains the copyright that applies to the information being released to you and contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the Access to Information Team at the email address below. During the current Coronavirus outbreak, our offices will be closed.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gov.uk

Annex

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 or logos) can also be 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](#).

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 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to the Access to Information Manager at the address at the top of this letter or email enquiries@apha.gov.uk and the team will arrange for an internal review of your case.

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 APHA's own complaints procedure. The ICO can be contacted at:

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

Coronavirus

However, following the changes to Government advice, from Tuesday 24 March 2020 the ICO offices will be closed. They will therefore not be able to collect correspondence sent via post. Where possible, they ask that you [contact them online](#) or call on 0303 123 1113