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By email: [e](mailto:)[Redacted]

Our ref: EIR2021/00891
9 February 2021

Dear [Redacted],

REQUEST FOR INFORMATION: Meetings with Zac Goldsmith and the National Forest Council, the Tree Council and Sir Ian Cheshire

Thank you for your request for information of 12 January 2021 about meetings with Zac Goldsmith, the National Forest Council, the Tree Council and Sir Ian Cheshire. 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).

Your information request and our response are set out below.

I would like details of the following meetings with Zac Goldsmith in January 2020:

- National Forest Council (9 January)
- The Tree Council (29 January)
- Sir Ian Cheshire (20 January)

By "details" I mean invitations and other correspondence in advance; details of where the meeting took place and attendees; any notes, transcripts, briefing documents, slides or other materials used in preparation for the meeting or shared at the meeting; and correspondence following up from the meeting.

We can confirm there was no meeting held between Minister Goldsmith and a National Forest Council on 9 January 2020. However, as per the publicly available transparency commitments, available here: <https://www.gov.uk/government/collections/ministers-hospitality-gifts-meetings-overseas-travel>, there was a meeting held with the National Forest Company on 9 January 2020. Please note this was an informal discussion that took place at Minister Goldsmith's Office, at Defra, Marsham Street, London, between Minister Goldsmith and the then Tree Champion Sir William Worsley, Chairman of the National Forest Company. In addition, no notes, transcripts, briefing documents, slides or other materials used in preparation for the meeting or shared at the meeting, or correspondence following up from the meeting was generated, therefore this information is not held. 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. Please



see below for further details.

With regards to the Tree Council Meeting on 29 January 2020 (please note that this meeting was originally scheduled for 30 January 2020 but was rescheduled for a day earlier) please see details below:

There was no formal agenda produced but the meeting was about:

- To discuss tree planting progress.

Attendees:

- Joel Cadbury – Tree Council
- Sara Lom – Tree Council
- Minister Goldsmith

Location:

- House of Lords, Westminster, London

We enclose a copy of correspondence in advance of the meeting at Annex C.

After careful consideration we have decided that the names of junior staff and all contact details should be withheld under regulations 12(3) and 13(1) and (2A) of the EIRs as the information constitutes personal data relating to persons other than you. Please see below further details on these exceptions.

We can confirm that there were no notes, transcripts, briefing documents, slides, or correspondence following up from the meeting generated, therefore this information is not held. 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. Please see below for further details.

With regards to the meeting with Sir Ian Cheshire on 20 January 2020, Minister Goldsmith attended this meeting that was organised for the Defra Secretary of State.

There was no formal agenda produced but the meeting was about:

- Discuss the upcoming launch of the Global Resource Institute (GRI) report and check the likely number of recommendations/level of detail.
- Ask for Sir Ian's views on how we build on this to engage with a wider range of businesses and producer countries.
- On due diligence highlight that we are in the process of getting collective agreement to launch a consultation, which builds on GRI discussions. This is being launched in advance of the final report in order to retain all potential legislative options.
- Ask Sir Ian what his appetite is for continuing to work on this in the run up to COP26.
- Discuss our wider plans on greening supply chains as part of the 'Nature' theme at COP26.

Attendees:

- Sir Ian Cheshire – Chair of the Global Resource Initiative
- Defra Secretary of State – Theresa Villiers
- Minister Goldsmith
- Tasmin Ballard (Deputy Director, International Strategy and ODA)

Location:

- Portcullis House, Westminster, London

We can confirm that there were no emails arranging the meeting that are held, notes, transcripts or other materials used in preparation for the meeting or shared at the meeting; and correspondence following up from the meeting. The remaining information that is held (slides and briefing document) that you have requested is being withheld as it falls under the following exceptions in the EIRs:

- Regulations 12(4)(d) which relates to material which is still in the course of completion, unfinished documents or incomplete data.
- Regulation 12(5)(a) - which relates to the disclosure of information that would adversely affect international relations.

Regulations 12(3) and 13(1) and (2A)

These regulations exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because the individuals involved would not reasonably expect their names and contact details to be disclosed in relation to this request for information.

Regulation 12(4)(a)

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's Office (ICO), 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 ICO's view, Defra has not conducted a public interest test in this case.

Regulation 12(4)(d)

The exception in regulation 12(4)(d) of the EIRs relating to material which is still in the course of completion, unfinished documents or incomplete data applies to the information requested because it relates to policies in development. This exception is subject to the public interest test. Taking account of all the circumstances of this case, we have considered whether the public interest in disclosing the information outweighs the public interest in applying the exception.

We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government. However, this is outweighed by the stronger public interest in withholding information that does not represent government agreed policy and release would be misleading. In addition, there is a need for a 'safe space' and private thinking space in which the Department can formulate and develop plans and policies, and work with relevant stakeholders in this area. Disclosing this material would harm this safe

space and would negatively impact upon the integrity of the decision-making process. In addition, the disclosure of discussions would inhibit free and frank discussions in the future, and that loss of frankness and candour would damage the quality of future advice and decision making.

Therefore, we have concluded that in all the circumstances of the case, the information should be withheld and this exception is engaged.

Regulation 12(5)(a)

This exception is engaged because the information request relates to discussions with another country and release would affect our relationship with member states of the EU. This information is therefore being withheld as it falls under the exception in regulation 12(5)(a) of the EIRs, which relates to the disclosure of information that would adversely affect international relations.

In applying this exception 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 meeting Defra Ministers are involved in. We understand that release of such information shows transparency within government and enables the public to understand matters that are being discussed.

However, on the other hand, there is a stronger public interest in withholding the information because the effective conduct of international relations depends upon maintaining trust and confidence between governments. In this case, the information involved, which if released, would reduce the UK Government's ability to protect and promote UK interests abroad. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosure.

Information disclosed in response to this EIRs 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 the address below.

Yours sincerely

[Redacted]

Information Rights Team
InformationRequests@defra.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 or logos) 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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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 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights via email at InformationRequests@defra.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's offices are currently closed so please visit their website on how to contact them during this period, here:

<https://ico.org.uk>

Additionally if you wish to make a complaint to the ICO please use the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>