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By email: [Redacted]

Our ref: FOI2020/17323
1 August 2020

Dear [Redacted]

REQUEST FOR INFORMATION: Meeting between Theresa Villiers and the Brazilian Environment Minister

Thank you for your request for information of 2 July 2020 about a meeting between Theresa Villiers and the Brazilian Environment Minister. 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'm writing to make a request under the Environmental Information Regulations 2004. Could I please have the following:

- *Any briefing documents produced for then Secretary of State Theresa Villiers ahead of her meeting with the Brazilian Environment Minister on 03/10/19*
- *Any email correspondence to and/or from ministers, special advisers and senior civil servants concerning the 03/10/19 meeting between Theresa Villiers and the Brazilian Environment Minister.*

We enclose a copy of some of the information you requested at Annex C and D. We have withheld an attachment that is mentioned in the correspondence in Annex C under the exception in regulation 12(5)(a) of the EIRs, which relates to the disclosure of information that would adversely affect international relations, please see below for further details. The second attachment mentioned in the correspondence in Annex C is a letter received from your organisation. As this information you have requested is already available and easily accessible to you in another form or format, regulation 6(1)(b) of the EIRs exempts Defra from providing a copy of the information with this response to your request.

We have decided to redact and withhold information in Annex C and D under regulations 12(3) and 13(1) and (2A) of the EIRs as the information constitutes personal data relating to persons other than you. 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 concerned would not reasonably have expected their names to be made public.

We can also confirm that we do hold further documents within the scope of your request, but have decided that this information, which constitutes briefing material prepared to support the Secretary of State's meeting with Ricardo Salles, Brazil's Minister for Environment, should be 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.

Regulation 12(5)(a)

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 the information as it would provide transparency to the public on the work that the UK government is currently undertaking with Brazil in relation to agriculture and environmental matters in addition to the progress and preparations that are being made for negotiations on environmental matters at international events next year, such as the meetings of the Conferences of the Parties to the Convention on Biological Diversity (CBD COP15) and the UN Framework Convention on Climate Change (UNFCCC COP26).

On the other hand, there is a stronger public interest in withholding these internal documents. First, the documents relate to a policy that is still being developed since the briefing contains intelligence to inform upcoming negotiations and that will influence positions and progress on key international environment events next year, including the Post 2020 Biodiversity Framework to be agreed at the CBD COP15 and the UK's Presidency of the UNFCCC and forthcoming hosting of the climate conference COP26. Negotiations are at an early stage and the release of this information at this stage could affect the UK's ability to achieve its outcomes.

Secondly, the briefing contains sensitive and confidential information which has been supplied from partners under diplomatic privilege. Its release would be seen as a breach of confidence with that partner and undermine our ability to work with them, and have access to similar sensitive and confidential information, in the future.

In addition, the UK is discussing several environmental issues with Brazil which is outlined in the briefing. Release of this information at this stage would affect the progress of these discussions, significantly hampering the UK's ability to protect and promote its international interests and influence other countries.

Finally, the briefing contains the provision of free and frank advice from policy officials on positions to take and messages with which to influence Brazil in upcoming environmental negotiations and in developing policy areas. It also contains information relating to the

policy positions of other countries and the relationship between those countries and Brazil. Release of this free and frank advice now would affect the UK's ability to achieve ambitious outcomes on the environment, ability to influence Brazil through the development of new policies, and relationship with other countries.

Taking these factors into account we have concluded that the balance of public interest falls in favour of not disclosing the information.

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 me.

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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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 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>