



Animal &  
Plant Health  
Agency

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Our Ref: ATIC2162

[REDACTED]  
{By Email}

13 October 2020

Dear [REDACTED]

### **PROVISION OF REQUESTED INFORMATION**

Thank you for your request for information which we received on 09 September 2020. Your request has been handled under the Freedom of Information Act 2000 (FOI).

The information you requested and our response is detailed below:

- "Internal correspondence (in-departmental) regarding mystery/unsolicited/suspicious seeds from China or overseas from March 1 2020 to the present day? This should include email, phone calls, transcripts, memos, reports, spreadsheets, audio voicemail recordings and other documents.
- External correspondence (with members of the public, other government departments and outside agencies) regarding mystery/unsolicited/suspicious seeds from China or overseas from March 1 2020 to the present day? This should include email, phone calls, transcripts, memos, reports, spreadsheets, audio voicemail recordings and other documents."

Section 12(1) of the FOIA allows us to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate limit, which currently stands at £600 or 24 hours work. On the basis of our estimates, we consider that the cost would greatly exceed this limit and, as such, we are refusing your request.

Regulation 12(2) of the FOIA also requires public authorities to apply a presumption in favour of disclosure. However, there is a strong public interest in withholding the information. Your request covers a substantial amount of information which may not be held in the same location. Gathering this specific information together, would involve a significant cost and diversion of resources from APHA's other work.

APHA consider that your request falls under regulation 12(2) on cost and resource grounds in determining whether all the information is held. Having carried out the above investigation, we have concluded that, in all the circumstances of the case, the public interest falls in favour of applying the exemption.

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.

We want to be as open as possible in answering requests for information. The FOIA itself also requires us to provide reasonable advice and assistance to those seeking to make such a request. Unfortunately, your request is very broad and searching for it would therefore involve a significant cost and diversion of resources from the Department's other work. As you can see from the approximate figures reported below enquiries from the public have numbered 2800 up to September 2020.

However, if you were to make a new request for a narrower category of information, it may be that we could comply with that request within the appropriate limit, although we cannot guarantee that this will be the case. The best way we can help you is to ask you to consider narrowing down your request.

Please note that if you modify your request, we will handle it as a new request and so the 20-working-day deadline for responding to requests would then commence from the date that we receive the modified request.

- "The date of the first report received from a member of the public about such seed shipments?"

It is not possible to determine the exact date, however initial reports started to be received around June 2020.

- "The number of reports of such seed shipments received from members of the public?"

Approximately 2800 queries have been received between June 2020 and the end of August 2020.

- "The number of such seed shipments sent in by members of the public who received them?"

Approximately 1000 shipments have been received by the Animal and Plant Health Agency (APHA) containing approximately 1200 packs of seeds.

- "The number of such seed shipments sent in by members of the public who received them which were destroyed?"

All consignments sent to APHA have, or will be destroyed.

- "The number of such seed shipments reported to have been planted by members of the public?"

The public through various means have been asked not to plant any unsolicited seeds they have received, but to destroy them, or send them into APHA for destruction and further investigation. Please see advice here:

<https://planthealthportal.defra.gov.uk/latest-news/unsolicited-seed-parcels/>

Where seeds have been planted follow up action was discussed with those involved.

APHA do not have to hand the exact number of seed shipments that have been planted as this information is not held centrally, please see Section 12 explanation above.

The importing of seeds is covered by the Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019, which outlines the requirement for all seed for planting from outside the EU to be accompanied by a Phytosanitary Certificate.

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](mailto: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](mailto: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