



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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www.gov.uk/apha

Our Ref: ATIC2212

[REDACTED]
{By Email}

02 November 2020

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information which we received on 05 October 2020. Your request has been handled under the Freedom of Information Act 2000 (FOI).

The information you requested and our response is detailed below:

“Your department publishes weekly statistics on the wholesale price of bananas, which can be found [here](#). Please could you provide me with the following information:

1. Any documents or correspondence relating to the gathering or publication of this data in the four weeks prior to this request being processed.
2. The number of staff who are assigned to the gathering and publication of this data, and their annual salaries.”

On the first part of your request, wholesale market prices of fruit and vegetable are collected weekly from Birmingham and London wholesale markets. The data is collected by the Horticultural Marketing Inspectorate, part of the Animal and Plant Health Agency (APHA). The wholesale banana prices, by country of origin, are collected as part of this exercise by one inspector at each market. Information is collated on to a spreadsheet to calculate an average weekly price across the two markets. Defra statistical officers then collate and publish this information. The average weekly prices are made publicly available through the website that you referenced [here](#).

Please see attached the template data collection spreadsheet (Appendix 1) we use to process and produce the results. Other correspondence not included are the e-mails between APHA and Defra sending the collated information through to be published which include 3rd party and commercially sensitive information and has been exempted from release under Section 40 and Section 43 of the Freedom of Information Act (FOIA), please see below for details.

On the second part of your request, it is not possible to give an indication of staff costs for collecting banana price data. The amount of time specifically dedicated to the banana price collection is minimal (about 15 mins collecting prices and 10 minutes to complete the spreadsheet each week), so it is not feasible to break down the costs to this fine level of detail. Publication takes less than one hour per week for Defra statistical officers to process and assure the data. The information that you have requested is therefore not held by APHA.

The grade of staff working on this has been exempted under Section 40 of the Freedom of Information Act (FOIA) as release would lead to identifying confidential information about colleagues, however the link below shows current pay grades for all staff up to Grade 6 working in Defra:

<https://www.gov.uk/government/publications/pay-review-201920-foi202001238>

As background, APHA collects data on wholesale banana prices as there is a lot of domestic interest in this data. The UK has a large international trade in green bananas with a large re-export market to the EU after ripening, so the wholesale market prices give a good indication of the scale of this trade. As the UK is an important re-exporter of bananas within the EU, there is interest in this activity and price data will allow us to monitor any changes in commodity trading agreements post EU Exit. Prices of bananas along with the prices of other fruit and vegetables published by Defra are also used by industry (prisons, military, hospitals, schools, restaurants, caterers etc.) to benchmark the prices they pay and help plan spending as bananas are a very popular fruit in this country for consumption. The Retail Price Index published by the Office for National Statistics also includes the banana price at the link below. There is also EU legislation currently in place which requires us to collect this data.

(<https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/czmv/mm23>)

Section 40

Some of the information contained within the request has 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 (salaries and names and locations of stakeholders) 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.

Section 43

Section 43(2) of the FOIA exempts information if its disclosure under the Act would or would be likely to prejudice the commercial interests of any person. The exemption in Section 43 is subject to a Public Interest Test to ensure it is being appropriately applied.

Public Interest Test

APHA recognise that there is a general presumption in favour of openness and transparency concerning our work, and providing the general public with the right to request access to information held by public authorities.

APHA also recognise that this would increase transparency and aid well-informed debates concerning our work.

However, APHA's relationship with stakeholders is based on trust. Releasing this information could prejudice the commercial interests of stakeholders and this could lead to financial losses. The correspondence that has been exempted includes the spreadsheet for publication and those can be found in the public domain as you have indicated.

Furthermore, this would result in breach of confidentiality between APHA and its customers and could potentially lead to an adverse working relationship and interfere with the relevant Public Authority carrying out its statutory duties.

APHA have concluded that, in all the circumstances of the case, the information should be withheld under Section 43(3) of the Act at this time.

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.

Most documents produced by APHA will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

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