



Department
for Environment
Food & Rural Affairs

Nobel House
Area 1E
17 Smith Square
London
SW1P 3JR

T: 03459 33 55 77
helpline@defra.gov.uk
www.gov.uk/defra

REDACTED

Our ref: EIR2021/28736
16 December 2021

Dear REDACTED

REQUEST FOR INFORMATION: Forest Risk Commodities Consultation

Thank you for your request for information of 25 November 2021 about responses to the 2020 due diligence on forest risk commodities consultation. 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.

Could I please have the following documents:

Responses to Defra's 2020 public consultation on proposals for due diligence on forest risk commodities in the UK from the following entities: Cargill, Avara Foods, Faccenda Foods, 2 Sisters Food Group, JBS, Moy Park, Pilgrim's UK, the British Meat Processors Association (BMPA) and the British Poultry Council (BPC).

We enclose a copy of the information you requested:

- Consultation response from Cargill at Annex C
- Consultation response from Pilgrim's Pride Ltd at Annex D
- Consultation response from the British Meat Processors Association at Annex E

We have decided to redact and withhold some information within these three consultation responses 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 individual concerned would not reasonably have expected their name to be made public.

With regards to your request for consultation responses from Avara Foods, Faccenda Foods, 2 Sisters Food Group, JBS, Moy Park, and the British Poultry Council, following a search of our paper and electronic records we have established that the information that you have requested is not held by Defra, as these entities did not submit a response to the public consultation. The exception at 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, therefore applies to the information you have requested.

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.

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.

Most documents produced by Defra 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](#).

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 can be contacted using the following link:

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