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REDACTED

Our ref: EIR2022/12538
4 July 2022

Dear REDACTED

REQUEST FOR INFORMATION: Due diligence on forest risk commodities consultation

Thank you for your request for information of 17 June 2022 about responses to the 2020 due diligence on forest risk commodities consultation. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

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 to request the release of the consultation responses on the introduction of due diligence on forest risk commodities contributed by:

- *ABAG - Brazilian Agribusiness Association*
- *Government of Brazil*

A link to the consultation is provided below:

[Due diligence on forest risk commodities - Defra - Citizen Space](#)

We enclose a copy of the consultation response you have requested from the Brazilian Agribusiness Association. This can be found in Annex C.

We have decided to redact and withhold some information 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).

The 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, many of whom requested that their data and consultation response be held confidentially, would not reasonably have expected their names to be made public.

Whilst we can confirm that we hold a consultation response submitted by the Government of Brazil, this information is being withheld as it falls within the exception in regulation 12(5)(a) of the EIRs which relates to international relations, defence, national security or public safety. In this case the disclosure of information 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.

Regulation 12(5)(a)

We recognise that there is a public interest in disclosure of the information as it would provide transparency to the public on our work with this government in relation to the due diligence consultation and could provide insight into their views on our due diligence proposal.

However, on the other hand, there is a stronger public interest in withholding the information because a release of this information could be seen as a breach of confidence with the partner and undermine our ability to engage and work with them in the future. In addition, the Government is working with this country on a range of other issues and releasing this information could affect the progress of this work, significantly hampering the UK's ability to protect and promote its international interest and influence 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 EIR request is releasable to the public. In keeping with the spirit and effect of the EIR 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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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/>