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Our ref: EIR2022/19061
18 November 2022

[Redacted]

By email: [Redacted]

Dear [Redacted]

REQUEST FOR INFORMATION: Water company correspondence

Thank you for your request for information of 22 September 2022 about water company responses. 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.

On Thursday 8th September, the Secretary of State announced (Hansard Vol 719 Thursday 8th September 2022) that he had instructed water chief executives to write to him formally by 21st September with a plan for how they will make significant improvements to “the volume of sewage spewed out by water companies”.

Please now provide a copy of all letters received from water companies in response to that instruction.

We hold 10 responses from water companies that set out its improvements in relation to sewage discharges.

Out of those, 2 of them are already publicly available here:

Southern Water have published its response here:

<https://www.southernwater.co.uk/the-news-room/the-media-centre/2022/october/southern-water-shares-improvement-progress-and-plans-with-secretary-of-state>

United Utilities have published its response here:

https://www.unitedutilities.com/globalassets/z_corporate-site/about-us-pdfs/secretary-of-state-letter-dated-21.9.22-re.-meeting-with-water-sector-ce..pdf



As the information you have requested is already publicly 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

The other 8 are attached. Please note the only parts of these letters that fall within the scope of your request are the areas where it discusses improvements in relation to sewage discharges. However, in the openness of transparency, where we can, we have released the entire return from each company.

We have decided that some of the information in the attachments should be withheld 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 UK 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 s/he would not reasonably have expected identifiable information to be made public.

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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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 ^[Redacted], 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/>