



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]

By email: [Redacted]

Our ref: EIR2021/28203
20 December 2021

Dear [Redacted]

REQUEST FOR INFORMATION: Consultation on Deposit Return Scheme

Thank you for your request for information of 19 November 2021 about the consultation on the deposit return scheme. 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.

Please could I simplify my request to just receiving the submissions to the consultation from the following parties:

- *Coca-Cola (Coca-Cola European Partnership/Coca-Cola Europacific Partners)*
- *Britvic*
- *Pepsico*
- *Refresco*
- *Suntory Beverage & Food (Lucozade Ribena Suntory)*
- *Red Bull*
- *Boost*
- *Nestle / Nestle Waters*
- *Danone*
- *Arla*
- *Heineken*
- *AbInBev / Budweiser Brewing Company*
- *Diageo.*
- *Tesco*
- *Booker*
- *Co-op*
- *Sainsbury's*
- *Morrisons*
- *Asda*

We enclose a copy of the information you requested:



- Annex C: Coca-Cola (Coca-Cola European Partnership/Coca-Cola Europacific Partners)
- Annex D: Britvic
- Annex E: Pepsico
- Annex F: Suntory Beverage & Food (Lucozade Ribena Suntory)
- Annex G: Nestle / Nestle Waters
- Annex H: Danone
- Annex I: Heineken
- Annex J: AbInBev / Budweiser Brewing Company
- Annex K: Diageo.
- Annex L: Tesco
- Annex M: Co-op
- Annex N: Sainsbury's
- Annex O: Asda

We have decided that some of the information in the attached Annexes should be redacted and 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 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 it relates to third parties who would not reasonably have expected their names to be made public.

Following a search of our paper and electronic records, we have established that the information that you have requested relating to the parties below is not held by Defra as they did not respond to the consultation:

- Refresco
- Red Bull
- Boost
- Arla
- Booker
- Morrisons

The information is therefore exempt under 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. 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.

We can confirm that to the best of our knowledge the information is not held by another public authority.

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.

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 ^[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/>