



Department
for Environment
Food & Rural Affairs

Seacole Building
4th Floor
2 Marsham Street
London
SW1P 4DF

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

[Redacted]

By e-mail: [Redacted]

Our ref: EIR2023/05194
5 April 2023

Dear [Redacted]

REQUEST FOR INFORMATION: Deposit Return Scheme (DRS) consultation

Thank you for your request for information of 14 March 2023 about the DRS 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.

The government published a summary of responses to its 2021 consultation on DRS. I am requesting copies of the responses from the following organisations:

1. *Alliance for Beverage Cartons and the Environment*
2. *Allied Glass Containers*
3. *Automatic Vending Association*
4. *British Beer and Pub Association*
5. *British Glass*
6. *British Retail Consortium*
7. *British Soft Drinks Association*
8. *Britvic*
9. *Can Makers Committee*
10. *Coca-Cola Europacific Partners*
11. *Confederation of Paper Industries*
12. *Crown Packaging*
13. *Diageo*
14. *Environment Agency*
15. *Environmental Services Association*
16. *Food and Drink Federation*
17. *Foodservice Packaging Association*
18. *Grundon Waste Management*
19. *Heineken UK*
20. *Industry Council for Packaging and the Environment*
21. *Iceland Foods Ltd*
22. *LARAC (The Local Authority Recycling Advisory Committee)*



23. *Marks & Spencer*
24. *Ocado*
25. *Paperpak Ltd*
26. *Princes Limited*
27. *RLM Packaging Ltd*
28. *Roberts Metal Packaging Ltd*
29. *Robinson plc*
30. *Sainsbury's*
31. *The Co-operative Group*
32. *The Highland Spring Group*
33. *The Wine and Spirit Trade Association*
34. *Valpak*
35. *Veolia*
36. *Viridor*

The responses for Britvic, Coca-Cola, Diageo, Heineken, Sainsbury's and the Co-operative Group are already publicly available and can be found here:

<https://www.gov.uk/government/publications/deposit-return-scheme-consultation-eir202128203>

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 consultation responses are attached at Annex C to AE.

We have decided that some of the information in the Annexes 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 her/his name and contacts details to be made public.

We have also decided that one of the responses should be withheld under regulation 12(5)(f) of the EIRs. This regulation provides for the exception of information which, if disclosed, would adversely affect the interests of the person who provided that information and they were under no obligation to provide the information to a public authority, did not supply the information in circumstances such that Defra or any other public authority is entitled apart from the EIRs to disclose it and have not consented to the disclosure of that information.

In applying the exception at regulation 12(5)(f) of the EIRs, we have had to balance the public interest test in withholding the information against the public interest in disclosure.

We recognise that it is in the public interest to disclose information in order to show clear and transparent decision making. Regulation 12(2) of the EIRs also permits a presumption in favour of disclosure and we understand there is a public interest in the deposit return scheme consultation. However, there is a stronger public interest in withholding this information because Defra needs to ensure that people are not discouraged from providing information for fear that it will become public against their wishes. This includes views that were provided on the assumption that they would remain confidential, which allowed the individual's concerns to be shared with the public authority in a free and frank fashion to then be taken into consideration. In some cases, disclosure of such information may be to the detriment of the person providing it. In this case, the public interest is better served by maintaining the exception because it is crucial that interested parties are not discouraged from providing Defra with information for fear of it being inappropriately released at a later date.

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 ^[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/>