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[Redacted]

By email: [Redacted]

Our ref: FOI2023/00502
31 March 2023

Dear [Redacted],

REQUEST FOR INFORMATION: Dairy Denominations

Thank you for your request for information of 9 January 2023 about dairy denominations. We have handled your request under the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

I am requesting all email correspondence with external officials / representatives about this document.

I am also requesting a breakdown of the FSIFG membership.

Additionally, I request any communications since 01/01/22 involving senior members of the Agricultural Sectors team or farming minister Mark Spencer and his special advisers with representatives of Dairy UK that reference the terms "plant-based products" or "plant based products" or "plant-based food" or "plant based food".

I want to stress that the communications I am seeking are with external actors, so should not be covered by Section 35 exemptions (policy formulation) nor regulation 12(4)(e) (internal communications)

We enclose some of the information you requested at Annex C:

- Exchanges between Defra Officials and Trading Standards Officers regarding the process and timescales for preparation of the FSIFG opinion.
- Position paper provided by Dairy UK to Defra titled: Dairy UK Position Statement – Use of Dairy Designations
- FSIFG Terms of Reference which also includes membership

After careful consideration we have decided that the names, roles and contact details of junior staff/third parties should be withheld in Annex C under sections 40(2) and 40(3A) of the FOIA as the information constitutes personal data relating to persons other than you. These sections 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 the junior staff/third parties involved would not reasonably expect their names, roles and contact details to be disclosed in relation to this request for information. Therefore, we have concluded that in all the circumstances of the case, the information should be withheld.

We have also decided that some of the information in scope of your request, namely some information and exchanges with specific manufacturers and trade bodies should be withheld as it falls under the exemption at section 43(2) of the FOIA, which relates to information which if disclosed would, or would be likely to, prejudice the commercial interests of the third parties involved.

In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning transparency of discussions with businesses working with government, which can facilitate accountability and fairness. We also recognise that release of such information would further public understanding of the issues surrounding the issue of dairy denominations.

However, there is a stronger public interest in withholding this information because Defra needs to ensure that third parties are not discouraged from engaging with Defra for fear that it will become public and in doing so risk damage to legitimate commercial activities. In some cases, disclosure of such information would be to the detriment of the third parties as the detail it contains is of commercial value to them and the disclosure of this could cause economic harm to these third parties and commercial advantage to others not privy to the information. Release of the information would therefore prejudice the commercial interest of the third parties that have chosen to engage with Defra on this issue and we have concluded that in all the circumstances of the case, the information should be withheld.

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA 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/>