



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](http://www.gov.uk/defra)

[Redacted]

By e-mail: [Redacted]

Our ref: EIR2023/13299  
4 August 2023

Dear [Redacted],

### **REQUEST FOR INFORMATION: Storm Overflow Taskforce**

Thank you for your request for information of 6 July 2023 about the Storm Overflow Taskforce. 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 31 August 2022, the Storm Overflow Discharge Reduction Plan ("the Plan") was published, according to a previous FOI response.*

*The Terms of Reference for Defra's Storm Overflow Taskforce state that "Meeting materials will be provided 1 day in advance of the meeting". Please provide copies of all meeting materials for the final three meetings before the Plan was published. This should include but not be limited to:*

- A. Agendas*
- B. Meeting minutes*
- C. Briefing documents*
- D. Other meeting memoranda (such as PowerPoint slides)*

We should clarify that the Plan was actually published on 26 August 2022. However, the final three meetings of the Storm Overflow Taskforce that took place before 31 August 2022, which is the date you asked about, were on 2 February, 29 March and 30 August 2022. The information we hold in scope of your request is available in the attached Annexes. We have omitted information that falls within scope of your request but would add nothing to your understanding of the matter, e.g. housekeeping emails, such as meeting requests and acknowledgements

After careful consideration we have decided that the names, roles and contact details of third parties and junior, staff and contact details of all individuals 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 the junior staff and third-party individuals involved would not reasonably expect their names, roles and contact details to be disclosed in relation to this request for information, and equally the senior members of staff would not reasonably expect their contact details to be disclosed in relation to this request.

We have also decided that some of the information you have requested should be withheld as it falls under the exception in regulation 12(4)(d) of the EIRs, which relates to material which is still in the course of completion, unfinished documents or incomplete data. The exception is engaged in this instance as the information being withheld constitutes draft versions of documents.

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

#### **Regulation 12(4)(d): material which is still in the course of completion**

We recognise that there is a public interest in disclosure of information around the Storm Overflows Taskforce and we understand that the release of this information would aid transparency and accountability.

However, there is a stronger public interest in withholding the information as release of the information now as it is important that public authorities have a safe space in which officials can discuss policy options and potential future activity in private. Moreover, there would not be any further public interest served by the confusion that would result from introducing into the public domain an early draft of information which has now been made publicly available to all interested parties at <https://www.gov.uk/government/groups/storm-overflows-taskforce>.

We have also decided that some of the information we hold in scope of your request should be withheld under the exception at regulations 12(4)(e) of the EIRs, which relates to the disclosure of internal communications. The exception is engaged in this instance because the material amounts to internal communications within Defra.

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure. In considering the exception we have also applied a presumption in favour of disclosure, as required by regulation 12(2) of the EIRs.

#### **Regulation 12(4)(e) – Internal communications**

We recognise that there is a public interest in disclosure of information concerning the Storm Overflow Taskforce. We understand that release of this information aids accountability and transparency in government.

However, we believe that the public interest remains in favour of withholding the information. This is because we consider that disclosing some information held by Defra could undermine effective government by discouraging frankness and candour in internal communications. It is important that government officials should have the necessary space to think in private and to formulate their decision-making. Releasing information within the scope of your request at this moment in time would risk inhibiting officials from having full, frank and open discussions as part of the process of formulating policy, particularly if they felt that speculative information relating to live policy issues would be released before final decisions were made on those issues.

Finally, one of the documents shared at the 2 February meeting is already publicly available at the following link:

<https://committees.parliament.uk/publications/8460/documents/88412/default/>

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.

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](mailto: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 <sup>[Redacted]</sup>, Head of Information Rights via email at [InformationRequests@defra.gov.uk](mailto: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/>