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[Redacted]

By e-mail: [Redacted]

Our ref: EIR2023/12275  
20 July 2023

Dear [Redacted] ,

### **REQUEST FOR INFORMATION: Water company meetings**

Thank you for your request for information of 22 June 2023 about water company meetings. 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.

*In the attached letter from 13 March 2023, obtained via FOI, minister Rebecca says: "I will be having 6 monthly meetings with the CEOs of those companies identified as 'lagging' by Ofwat."*

*Meetings to date took place on January 10th, February 22nd and March 28th 2023.*

*I also understand that secretary of state Therese Coffey had a meeting with water companies on April 4th 2023.*

*I am requesting the release of the information related to these meetings under FOI/EIR regulations. The information I am requesting includes agendas, minutes and notes from the meetings and communications about the meetings between Defra and the companies before and after the meetings.*

We enclose a copy of some of the information you requested in the attached Annexes C to G, which consist of the emails between Private Office and the CEOs arranging the meetings in January, February, March and April. The meeting on 4 April 2023 was an invite to the launch of the Plan for Water.

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 we hold in scope of your request should be withheld under the exception at regulation 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 central government.

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 water companies. 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.

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.

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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 <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/>