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[REDACTED]  
By e-mail: [REDACTED]

Our ref: EIR2023/12858  
31 July 2023

Dear [REDACTED],

**REQUEST FOR INFORMATION: Storm Overflows Taskforce**

Thank you for your request for information of 30 June 2023 about the Storm Overflows 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.

- 1. Please can you confirm how many meetings of this taskforce have taken place between April 1st, 2022, and the present day, and on which dates these took place.*

We can confirm that the Storm Overflows Taskforce met on 30 August 2022 within the timeframe specified above.

- 2. It is my understanding that one meeting of the taskforce took place on 30 August 2022. In relation to this meeting, please can you release to me all documentation and materials relating to this meeting - for example, minutes, briefing materials, presentation slides/similar, and copy of speeches, talks or presentations. They may have been distributed before, or during, or after the meeting.*

We can confirm that no documentation or papers were produced for the meeting you refer to, so the information you have requested is not held by Defra. The exception at 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 applies to the information you have requested.

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.



3. *If there are have been any additional meetings of the taskforce in the above time, please can you provide all the requested information I listed for part TWO, in relation to these additional meetings as well - ie, all documents and materials, etc as above.*

We can confirm that there have been no additional meetings of the Storm Overflows Taskforce within the timeframe specified above.

4. *Please can you release to me all the responses you received from Ofwat, wastewater companies, and water industry bodies, in relation to the consultation on the Storm Overflows Discharge Reduction Plan.*

We enclose a copy of the information you requested in the attached Annexes 1 to 13. Under our duty to advise and assist applicants in pursuance of regulation 9, you may also wish to be aware that a summary of the responses to the consultation is available at the following link:

<https://www.gov.uk/government/consultations/storm-overflows-reducing-sewage-discharges/outcome/government-response-to-the-storm-overflows-discharge-reduction-plan-consultation>

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 the information relates to people who are not public facing officials and who would not reasonably have expected their personal data to be made public and equally senior members of staff would not reasonably expect their contact details to be disclosed in relation to this request.

Additionally, we have decided that some of the information in the Annexes 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 Storm Overflow Discharge Reduction Plan. 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](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](#).

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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 Andrew Mobsby, 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/>