



Department
for Environment
Food & Rural Affairs

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Your ref:
Our ref: RFI 6018
Date: 16 January 2014

Dear

**REQUEST FOR INFORMATION: NORFOLK COUNTY COUNCIL WASTE
INFRASTRUCTURE PROJECT**

Thank you for your request for information, which is copied below:

“Under the provisions of the Freedom of Information Act 2000 and/or the Environmental Information Regulations, please provide copies of any correspondence or information relating to meetings involving Norfolk MPs in relation to Norfolk County Council’s waste infrastructure project between 1 June 2013 and the date of this request, including:-

- *Letters;*
- *Emails;*
- *Advice;*
- *Notes;*
- *Dates of any meetings held and who attended;*
- *Minutes;*
- *Diary notes.*

For the avoidance of any doubt, we consider the request to cover information relating to correspondence and meetings involving:-

- *Defra and a single Norfolk MP’s;*
- *Defra and a group or two or more Norfolk MP’s;*
- *Defra and others parties to which one or more Norfolk MP’s was c.c.’d into or invited to attend.”*

We have considered 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).

Following careful consideration, we have decided to release most of the information within the scope of your request. The information that you have requested is in the attached documents:

- Correspondence with Norfolk MPs.pdf
- Decision letters.pdf

In addition, we can confirm that there was a meeting between Lord de Mauley and Brandon Lewis MP, in his capacity as Local Government minister, on waste-related issues on 17 July 2013. The briefing – and associated correspondence between officials in Defra – provided for Lord de Mauley is being withheld as it engages the exception under Regulation 12(4)(e), which relates to the disclosure of internal communications. The note of the meeting makes no reference to the Norfolk project and is, therefore, out of scope.

You will also notice that in the document “*correspondence with Norfolk MPs.pdf*”, there is mention of a conversation between the Secretary of State and Henry Bellingham MP, in his letter of 12 September 2013. This was a reference to a personal conversation, and not a meeting, with the Secretary of State.

In engaging the exception under Regulation 12(4)(e), in accordance with the EIRs, we have had to consider carefully the fact that this information, if released, will have to be put in the public domain (and published on the Government website). Whilst we recognise the public interest in releasing briefings made to Ministers, it is essential that we maintain the rules and convention on the impartiality of civil servants’ advice to Ministers, to ensure that both can have full and frank discussions. The need for transparency has to be balanced with the need to provide a safe space where officials are free to consider all views and ask what are at times uncomfortable questions with no repercussions should that approach not be adopted. This retains the impartiality of the civil service, which might be undermined if advice was routinely made public as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making, which would not be in the public interest.

We therefore consider, taking all the circumstances of this case into account, and applying a presumption in favour of disclosure as required under the EIRs, that the public interest test under the EIRs balances in favour of withholding the briefing and internal correspondence in their entirety.

You will see that we have withheld people’s personal contact details under the exception allowed by Regulation 13 (Personal Data) of the EIRs. Regulation 13(2)(a)(i) of the EIRs exempts from disclosure personal data relating to third parties where disclosure would breach the Data Protection Act 1998 (DPA). In this case, we believe that disclosure of the information would breach the first data protection principle in Schedule 1 of the DPA in two ways. First, disclosure would not constitute ‘fair’ processing of the personal data and,

second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 of the DPA. In particular we do not consider that disclosure of the contact details is necessary to enable us to respond to your query.

In keeping with the spirit and effect of the EIRs, all information is assumed to be releasable to the public unless exempt. The information released to you may now be published on our website together with any related information that will provide a key to its wider context.

Attached below are two annexes. Annex A explains the copyright that applies to the information being released to you. Annex B gives contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact the WIDP Programme Office at the address below.

Yours sincerely

WIDP Programme Office

Email: widp.programmeoffice@defra.gsi.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) 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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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 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.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 for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF