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for Environment  
Food & Rural Affairs

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[redacted text]

**Your ref:**  
**Our ref:** RFI6523

**Date:** 13 May 2014

Dear [redacted text]

**REQUEST FOR INFORMATION made under the Environmental Information Regulations (EIRs) for meetings and correspondence between DEFRA and representatives of the National Federations of Fishermen's Organisations (NFFO).**

Thank you for your letter dated 10 April in which you requested:

- 1) Information on meetings between the office of John Robbs and representatives of the NFFO taking place between 1st June 2013 and 10 April 2014;
- 2) Information on correspondence between the office of John Robbs, members of the Sea Fisheries Team, and representatives of the NFFO generated in the period beginning 1st June 2013 until 10 April 2014.

We have considered your request under the Environmental Information Regulations 2004 (EIRs). As you know 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 (FOI Act).

I enclose a copy of the information which is being disclosed in response to your request for information on meetings between the office of John Robbs and representatives of the NFFO.



This information is set out in 2 documents which are email conversations between the parties covered by the scope of this request. Personal data are being withheld as the information falls under the exception in regulations 12(3) and 13(2)(a)(i) of the EIRs, which relate to personal data relating to third parties. 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 there is a legitimate interest in disclosure in this case. Release of names of junior officials poses a risk to the neutrality of the civil service, the names would add nothing to the public's understanding of this matter and the public authority's accountability does not require release of names. Consequently, we believe that regulations 12(3) and 13(2)(a) (i) of the EIRs exempt the information from disclosure. We have also withheld the names of individuals within the NFFO.

We have also withheld other information under exception 12(4)(e) of the EIR Regulations. This includes information relating to internal conversations between Defra officials and between officials and Ministers in relation to meetings between John Robbs and the NFFO. In our view releasing such information would be harmful to effective policy making. There is a need for Government officials to be able to discuss potential policy developments and provide advice to Ministers in relation to meetings with stakeholders (in this case NFFO) without fear of future disclosure. This impact is not outweighed by the public interest in the information within scope.

In respect of your request for information on correspondence between the office of John Robbs, members of the Sea Fisheries Team, and representatives of the NFFO some electronic file data has been withheld.

Defra declines to disclose the information under regulations 12(1) and 12(4)(b) of the EIRs on the grounds that the request is manifestly unreasonable. We have concluded that this exercise would impose a disproportionate burden on the team's workload and be an unreasonable diversion of resources.

Regulation 9 of the EIRs requires public authorities to provide advice and assistance to applicants where reasonable. We have therefore provided details below to assist you to formulate a request that can be handled at less cost.

The best way we can help you is to ask you to consider narrowing down your request to focus more clearly on the precise information you are seeking. You could, for example:

- request information on a particular topic;
- explain more fully and precisely the kind of information you are looking for;
- ask us to omit certain categories of information

Please note that if you modify your request, we will handle it as a new request and so the 20-working-day deadline for responding to requests would then commence from the date that we receive the modified request.

I attach an annex giving contact details should you be unhappy with the service that you have received.

If you have any queries about this letter please contact me.

Yours faithfully

[Redacted]

Email: @defra.gsi.gov.uk

## **Annex**

### **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](mailto: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