

Waste Infrastructure Delivery Programme (WIDP)  
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Website [www.defra.gov.uk](http://www.defra.gov.uk)



Our ref: RFI 5019

22 October 2012

Dear

**REQUEST FOR INFORMATION: TERMS AND CONDITIONS IN AWARDING WASTE INFRASTRUCTURE CREDITS TO NOROFLK COUNTY COUNCIL**

Thank you for your request for "copies of all written and emailed evidence, of the detailed terms and conditions upon which Defra made its award of waste infrastructure credits worth £169m to NCC, and issued the related promissory note." As you know, we have handled your request under the Environmental Information Regulations 2004 (EIRs).

I attach to this letter, the information you have requested:

- NCC Promissory Note (see *20120118 REDACTED NCC Promissory Note and Annex.pdf*)
- NCC Credit letter (see *20120207 REDACTED NCC Credit Letter and Annex.pdf*)

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 provides an exception for information which is the personal data of any third party, where disclosure would breach any of the data protection principles contained in the Data Protection Act 1998 ("DPA").

As regards the names of officials, this personal data is 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.



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.

I attach Annex A, which explains the copyright that applies to the information being released to you. I also attach 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 me.

Yours sincerely

WIDP Programme Office

Email [WIDP.programmeoffice@defra.gsi.gov.uk](mailto:WIDP.programmeoffice@defra.gsi.gov.uk)

## **Annex A**

### **Copyright**

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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 within 40 working days of the date of this letter. Please write to Brendan Walsh, Head of Defra's Information Rights Team at Area1B, Ergon House, Horseferry Road, London, SW1P 2AL, (email: [informationrights@defra.gsi.gov.uk](mailto:informationrights@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, you have 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

