



Department  
for Environment  
Food & Rural Affairs

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[www.gov.uk/defra](http://www.gov.uk/defra)

[REDACTED]

Your ref: CS 300839.2  
Our ref: RFI 7748

6 October 2015

Dear [REDACTED]

## REQUEST FOR INFORMATION: FLY INFESTATION AT AVONMOUTH DOCKS

Thank you for your letter of 19 August 2015, which we received on 24 August 2015, requesting information about a fly infestation at Avonmouth Docks. We have handled your request under the Environmental Information Regulations 2004 (EIRs). I apologize for the delay in replying to you.

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. These regulations give similar access rights to the Freedom of Information Act 2000 (FOIA).

Following careful consideration, we have decided not to disclose some of the information that you have requested.

I enclose a copy of the information which can be disclosed.

The remainder of the requested information is being withheld under the exceptions at regulations 12(4)(e) of the EIRs, which relates to internal communications, and regulation 12(3) read in conjunction with regulations 13(1) and 13(2)(a)(i) of the EIRs, which relate to personal data relating to individuals other than yourselves or your clients.

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning the fly infestation at Avonmouth Docks, its impact on the local community and the necessary legislative safeguards the Environment Agency has put in place to ensure that the risk to the environment and human health is minimised through the environment permitting system.

On the other hand, there is a strong public interest in withholding the information as disclosure would also prejudice the impartial advice, opinions and decisions of Defra officials. It would also prevent Defra officials from freely and frankly expressing their views on such incidents. In



this case, it is necessary that officials have a space where they are able to consider all views with impartiality and without fear of repercussion should an approach not be adopted.

Taking into account the public interest arguments for and against disclosure in relation to the application of the exceptions at regulations 12(4)(e) under the EIRs, we have concluded that the public interest in maintaining the exception outweighs the public interest in disclosure. Therefore, we have concluded that the information should be withheld.

In addition, certain names, including those of Defra staff, are being withheld under regulation 12(3) read in conjunction with regulations 13(1) and 13(2)(a)(i) of the EIRs, as the information constitutes personal data relating to individuals other than yourselves or your clients. These regulations provide that personal data relating to other persons is exempt information if disclosure would breach any of the data protection principles in the Data Protection Act 1998 (DPA). We consider that disclosure of this information is likely to breach the first data protection principle in Schedule 1 to the DPA, which relates to the fair and lawful processing of personal data. Disclosure would not constitute 'fair' processing of the personal data because the individuals are not senior civil servants, are not in public facing roles and would not expect that their names would be publicly disclosed.

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 faithfully,

A large black rectangular redaction box covering the signature area.

  
**Defra FOIA and EIRs Team**  
[Informationrequests@defra.gsi.gov.uk](mailto:Informationrequests@defra.gsi.gov.uk)

## Annex A

### Copyright

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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](#).

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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 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to [REDACTED] 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