

As you may be aware, the Agency has the right to appeal to the Information Tribunal against the Information Commissioner's decision or, alternatively, to comply with the requirements of the decision notice and disclose to the complainant the presentation slide that was the subject of the decision notice.

As the Agency has not yet decided what action it will be taking in response to the decision notice, we believe that the exemption provided for by Section 31(1)(c) of the Act applies to your request for a copy of the presentation slide that was the subject of the decision notice. I wish to advise you that this information is currently being withheld under this exemption. The reasons for doing so are explained in the annex attached to this letter.

Should the Agency decide to comply with the decision notice rather than appeal to the Information Tribunal, we would be happy to forward a copy of the slide to you at the same time as it is disclosed to the complainant.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the way the Agency has handled your request for information, you should write within two calendar months of the date of this letter to: Mr Keith Gregory, FSA Complaints Coordinator, and ask for an internal review. Keith's address is Food Standards Agency, Room 2C Aviation House, 125 Kingsway, London, WC2B 6NH (email: xxxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xxx.x)

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by Agency. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or through the website at <http://www.ico.gov.uk/>

Yours sincerely

[Sent by e-mail]

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Annex

Section 31(1)(c) – law enforcement

This is a qualified exemption that relates to information which (if disclosed) would, or would be likely to, prejudice the administration of justice. The Agency considers that disclosure of the information requested would be likely to cause such prejudice.

Disclosure of the slide at this time prior to a decision being taken by the Agency as to what action it will be taking in relation to the decision notice would prejudice the options being considered and, in so doing, would render the possibility of appealing against the decision notice to the Information Tribunal pointless.

In applying this exemption, the Agency has carried out a balance of the public interest test and considered the public interest factors for and against disclosure. We have recognised the general public interest in openness. On the other hand, there is a strong public interest in allowing authorities room to deliberate future actions and to retain information during such deliberations that may constitute evidence as part of a future appeal. The right to access information should not cause prejudice to the likelihood of any such possible appeal taking place.

We have concluded therefore that the overall balance of the public interest test favours non-disclosure at the present time.