

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

To: James Snowdome  
[by e-mail - [request-3715-025eee34@whatdotheyknow.com](mailto:request-3715-025eee34@whatdotheyknow.com)]

Our ref RFI 00002347  
Date 17<sup>th</sup> December 2008

Dear Mr Snowdome

### Freedom of Information request

Thank you for your request for information which we received on 22 October 2008. You asked for copies of correspondence (internal and external) surrounding studies on the environmental impact of reusable and disposable nappies. In particular the most recent drafts of any reports produced and any instructions as to how the reports should be released. Your request is essentially for 'environmental information' and therefore falls under the Environmental Information Regulations (EIRs) rather than the Freedom of Information Act.

We want to be as open as possible in answering requests. Unfortunately, your request for copies of correspondence (internal and external) surrounding studies on the environmental impact of reusable and disposable nappies is very broad and could cover an enormous amount of information. The best way we can help you is therefore to ask you to try and narrow down your request to focus more clearly on the precise information you are seeking.

All information which falls within the scope of your request could potentially be withheld under the exception in Regulation 12(4)(e) of the EIRs which relates to internal communications. This exception, however, is subject to the public interest test, and in applying it we have balanced the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a general public interest in understanding how government works and transparency in how decisions are reached. Consequently, we have concluded that there is a public interest in releasing the following:

Doc 1. Life Cycle Assessment of Disposable and Reusable Nappies - *Draft Final Report (ERM - September 2007)*

Doc 2. Life cycle study of disposable and reusable nappies in the UK – *Peer review of the draft final report (prepared by ERM for the Environment Agency – March 2008)*

Doc 3. An Updated Life Cycle Study - The Use of Disposable and Reusable Nappies in the UK - *Confidential Draft Final Report (ERM – March 2008)*

These are enclosed.

We are however withholding information on handling the publication of the final report because this public interest in favour of disclosure has to be balanced against the adverse impact which release would be likely to have on the ability of the department to develop policy effectively. Ministers and officials need to be able to discuss freely and openly all options and outcomes in order to reach the most informed decision. We consider that disclosure of advice in this case would make officials less inclined to offer candid views and give free and frank opinions in future. As a result, Ministers would be less well informed and the decision and policy making process would be weakened. We have therefore concluded that the public interest in withholding this information outweighs the public interest in disclosure.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Most documents supplied by Defra will have been produced by government officials and will be Crown Copyright. You can find details on the arrangements for re-using Crown copyright on OPSI (Office of Public Sector Information) at:

<http://www.opsi.gov.uk/click-use/index.htm>

If you have any queries about this letter, please contact me. I also attach an annex giving contact details should you be unhappy with the service you have received.

Yours sincerely

*Martin G Emslie*

Martin Emslie

## **Annexe A**

### **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 Clive Porro, Head of Defra's Access to Information Unit at, Area1E 3-8 Whitehall Place London SW1A 2HH, who will arrange for an internal review of your case. Details of Defra's complaints procedure can be found at:

[www.defra.gov.uk/corporate/opengov/complain/index.htm](http://www.defra.gov.uk/corporate/opengov/complain/index.htm).

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