



Department  
for Environment  
Food & Rural Affairs

Area 4A, Nobel House  
17 Smith Square  
London  
SW1P 3JR

T: 03459 33 55 77  
helpline@defra.gsi.gov.uk  
[www.gov.uk/defra](http://www.gov.uk/defra)

Peter Silverman  
By email: [request-463151-0828e7fe@whatdotheyknow.com](mailto:request-463151-0828e7fe@whatdotheyknow.com)

Our ref: RFI 9728  
2 March 2018

Dear Mr Silverman,

**REQUEST FOR INFORMATION: FLY-TIPPING BRIEFINGS TO MINISTER COFFEY**

Thank you for your request for information, which we received on 6 February 2018, about briefing notes and information given to Minister Coffey that include references to fly-tipping. We have considered your request under the Environmental Information Regulations 2004 (EIRs)].

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 (FOIA).

As a Government Department, we want to be as open as possible in answering requests. The EIRs also require us to provide advice and assistance to help people obtain the information they are looking for and make good use of the EIRs. Unfortunately, the amount of information that you have requested is very substantial, and gathering it together would involve significant costs and divert resources from the Department's other work.

By virtue of regulations 12(1) and 12(4)(b) of the EIRs, Defra may refuse to disclose environmental information if the request for the information is manifestly unreasonable and, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

We consider that your request is manifestly unreasonable under regulation 12(4)(b) on cost grounds and, having carried out the above public interest test, we have concluded that, in all the circumstances of the case, the public interest falls in favour of maintaining the exemption.

In reaching our decision with respect to the public interest, we considered the following matters:

We recognise that there is a public interest in disclosure of the information you have requested for the purposes of accountability, transparency and public understanding.

On the other hand, the time taken spent on undertaking this task - searching for and compiling all the information - would be disproportionate in comparison with other priorities within the Department. The Minister's office does not store policy information, and so to

gather this information together we would need to search across a wide number of policy areas for the time period since July 2016.

This would include the policy areas that cover waste and recycling, but also other areas that may mention this issue as it overlaps their work. For each of the policy areas this would involve checking the policy files, shared electronic filing systems, and personal email accounts of all of the team members for any information sent to the Minister's office that mentions 'fly-tipping'. This would take up a significant amount of staff time, and would be an unreasonable diversion of staff resources. Therefore I have concluded that the balance of public interest falls in favour of not disclosing the information.

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 that you are seeking. You could, for example:

- detail more fully and precisely the kind of information that you are looking for. It may be helpful to look through the information that is already on Gov.uk under the Defra site that mentions the phrase 'fly tipping' (please see the following link - [https://www.gov.uk/government/policies/waste-and-recycling?keywords=fly+tipping&public\\_timestamp%5Bfrom%5D=&public\\_timestamp%5Bto%5D=](https://www.gov.uk/government/policies/waste-and-recycling?keywords=fly+tipping&public_timestamp%5Bfrom%5D=&public_timestamp%5Bto%5D=)) ;
- consider cutting down the scope of the request to the policy area that deals with fly tipping, and reduce the timescales to a shorter time period, of say 6 months;
- limit the request to certain documents such as briefings and submissions; or
- refer to the Information Commissioner's online guidance on how to word your request to get best results. Please see the following link (you will need to scroll down the page) - <https://ico.org.uk/for-the-public/official-information/>.

Please note that if you submit a modified request we will handle it as a new request. The 20-working-day timescale for responding to requests will therefore commence from the date that we receive the modified request.

We attach an annex 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,

**Marie Taylor**  
**Information Rights Team**  
[InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@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 Nick Teall, Head of Information Rights, Area 4A, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@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