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Giles Chester

Email: [request-182800-6dc8c10c@whatdotheyknow.com](mailto:request-182800-6dc8c10c@whatdotheyknow.com)

**Your ref:**

**Our ref:** RFI 5953

**Date:** 23 December 2013

Dear Mr Chester

**REQUEST FOR INFORMATION: CORRESPONDENCE BETWEEN DEFRA AND NAO  
CONCERNING SURREY COUNTY COUNCIL'S WASTE INFRASTRUCTURE PROJECT**

Thank you for your request for all correspondence between DEFRA and the National Audit Office in the last two calendar months [30 August to 30 October 2013] concerning the waste PFI grant to Surrey County Council / Charlton Lane Eco Park.

As you know, we have considered your request under the Environmental Information Regulations 2004 (EIRs).

During the period 30 August to 30 October, Defra has been in contact with the National Audit Office to discuss the waste infrastructure funding scheme as part of their on-going audit investigation. However, there has not been any direct correspondence, between us and the NAO on Surrey County Council's waste infrastructure project. The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the



Information Commissioner's view, Defra has not conducted a public interest test in this case.

You may be interested to know that the NAO will publish a report once their investigation is complete.

I 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

WIDP Programme Office

Email: [widp.programmeoffice@defra.gsi.gov.uk](mailto:widp.programmeoffice@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 Mike Kaye, 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