

20 May 2013

Our ref: RFI#1918

Your ref:



Via email

Lancaster House
Hampshire Court
Newcastle-upon-Tyne
NE4 7YH

T 0300 060 0846

Dear Sir/Madam

Access to information request – Provision of all requested information – Request no 1918

Thank you for your request for the following information:

1. *How much money Natural England has invested in the River Fly Project since April 2012.*
2. *Copies of Natural England executive board meeting minutes between April 2012 and 20 March 2013*

which we received on 10 March 2013. Your request has been considered under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Due to the subject line of your initial email, Natural England has interpreted your request as being specific to the River Tyne. I can confirm that Natural England has not provided any funding to the River Fly Project since April 2012 relating to the River Tyne.

Copies of Natural England's executive board meeting minutes are attached. Some of the information you have requested is being withheld as it falls under the exception in Regulation 12(3) of the Environmental Information Regulations 2004, which relates to personal data of which the applicant is not the data subject.

Regulation 12(3)

The names and contact details of private individuals are considered by Natural England to be personal information as defined by the Data Protection Act 1998.

The First Data Protection Principle says that personal data 'shall be processed fairly and lawfully'. Guidance published by the Information Commissioner, 'Freedom of Information Act 2000, Awareness Guidance No 1', states that when considering fairness the following questions should be taken into account:

- Would the disclosure cause unnecessary or unjustified distress or damage to the person who the information is about?
- Would the third party expect that his or her information might be disclosed to others?
- Had the person been led to believe that his or her information would be kept secret?
- Has the third party expressly refused consent to disclosure of the information?

When names and contact details are collected from individuals by Natural England we do not inform them that the information will remain confidential or that it may be released, however, we believe that there is an expectation of confidentiality.

The release of names or contact details and any subsequent contact may cause unnecessary or unjustified distress or damage to the individuals if released, and they have a reasonable expectation of confidence.

Natural England is therefore satisfied that the information requested fits the definition of personal data and that its release would be 'unfair' under the meaning of the first Data Protection Principle and should not be released.

Please note that the information we have supplied to you is subject to copyright protection under the Copyright Designs and Patents Act 1988. You may re-use this information (not including logos) free of charge in any format or medium, for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Natural England copyright and you must give the title of the source document/publication. However, if you wish to re-use all or part of this information for commercial purposes, including publishing and the information is not covered by the [Open Government Licence](#) you will need to apply for a licence. Applications can be sent to Enquiry Service, Natural England, Block B, Government Buildings, Whittington Road, WORCESTER, WR5 2LQ.

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If you have any queries about this letter, please contact me. As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please contact FOI@NaturalEngland.org.uk and I will arrange this. Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter.

If you are not content with the outcome of that complaint, or the review of our decision, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 01625 545 700, www.ico.gov.uk.

Yours faithfully

Ben Heathcote
Adviser – Access to Information
Customer Services