

Annex B

Section 21 (Information reasonably accessible by other means)

Section 21 of the Act applies to information accessible to the applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

Some of the information you have requested is publicly available and links to this information have been provided in Annex A of this response.

Section 21 provides an absolute exemption. This means that if the requested information is held by the public authority, and it is reasonably accessible to the applicant by other means, it is not subject to the public interest test.

Section 27 (International relations)

This consists of the UK's international relations with other countries and the European Union.

Some information has been withheld under section 27(1) of the Act as to disclose it would be likely to prejudice relations with the UK and EU Member States and the European Commission. As section 27 (1) is a qualified exemption we have undertaken a public interest test to decide where the balance of public interest lies regarding the disclosure of this information. Whilst there is a public interest in openness and transparency, especially in relation to CBD, we consider that relations between the UK and EU Member States and the UK and the European Commission would be likely to be harmed if this information were released. It is in the public interest that the UK, EU Member States and the European Commission are able to exchange information from across the EU. The release of some information could harm the UK's relationship with EU Member States and the European Commission and hinder future communications and exchange of views between these States, the European Commission and the UK. Therefore, it has been determined that the balance of the public interest favours non-disclosure.

Section 40 (personal information)

Some information has been withheld as it details the names of Food Standards Agency (FSA) employees below Civil Service grade 7 or the personal details of third parties. The names of FSA employees below Civil Service grade 7 and the personal details of third parties has been withheld under section 40 (2) & (3) of the Freedom of Information Act (the Act) which relates to personal information.

We consider that it would be disproportionate for us to publicly disclose the names of FSA employees and the personal details of third parties, unless there is a strong public interest in doing so.

The individuals have a legitimate and reasonable expectation that their personal details will not be disclosed in the context in which it is held. Disclosures under the Act are not just to those who request it but to the 'the world'.

Article 5 (1) (a) of the General Data Protection Regulations (GDPR) and Section 35 (1) of the Data Protection Act 2018 (DPA) requires the processing of personal data to be fair and lawful.

On balance, we do not consider there to be a legitimate public interest in disclosing this information. Disclosure of this information would contravene the first data protection principle, particularly that to process the data in this way (i.e. by disclosure to the public) would not be fair in all the circumstances. Furthermore, we do not consider that Art 6 (1) of the GDPR is satisfied in that disclosure would not be lawful. Therefore, the information is exempt under section 40 (2) & (3) of the Act.