



Department for Business & Trade

Department for Business and Trade
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EIR2024/01520

29th April 2024

Dear Rachel Salvidge,

Thank you for your email of 28th February 2024 where you requested the following information:

We would like to submit an EIR on the topic of use, pollution, regulation, and restriction of per- and polyfluoroalkyl substances (PFAS), including F2 or fluorine gases, such as HFCs.

- all documents related to physical, telephone or video communications and meetings (including diary entries, notes, minutes, correspondence produced before and after the communications and meetings) between DBIT (including the secretary of state, ministers, under secretaries, and senior officials (perm secs and DG's) and the organisations listed below since June 2023 to the present date:

Major companies:

AGC

F2

Koura

Dupont

3M

Chemours

Honeywell

Solvay

National trade associations

Chemical Industries Association

British Coatings Federation

European Fluorocarbons Technical Committee / Cefic Sector Group

Plastics Europe

Clarification - Please could you reduce the scope as you suggest so that it covers Permanent Secretaries and Director Generals?

Clarification - Please provide documents pertaining to meetings with the companies where they relate to the topic. All companies and associations were listed in the initial request.

Under the Environmental Information Regulations 2004 ("the Regulation"), you have the right to:

- know whether we hold the information you require.
- be provided with that information (subject to any exceptions under the Regulation which may apply).

The Department for Business and Trade (DBT) confirms that it holds information in scope of your request.

Annex A contains a briefing note for a meeting between Lord Johnson and Orbia (Koura's parent organisation). PFAS are mentioned in this briefing however we can confirm that PFAS were not discussed in the subsequent meeting.

Some information is redacted and withheld from release as it is out of scope of your request. We are withholding some information under regulation 12(5)(e) confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. Personal information has also been redacted in accordance with regulation 12(3), by virtue of regulation 13.

Regulation 12(5)(e) (Confidentiality of Commercial Information)

Regulation 12(5)(e) allows a public authority to refuse to disclose information where to do so would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. This exemption is subject to the public interest test. In applying section 12(5)(e) to your request we have had to balance the public interest in maintaining the exception against the public interest in disclosing the information.

Factors in favour of release:

- In favour of disclosure, we considered the public interest in transparency of, and proper scrutiny of, the expenditure of public money. Both transparency and scrutiny help ensure that public money is used effectively.
- We also considered the importance of demonstrating that value for public money is obtained and that public contract processes are conducted in a fair, open and honest way.

Factors in favour of withholding:

- However, there is against this a public interest in ensuring that the commercial interests of external organisations are not damaged or undermined by disclosure of information which is not common knowledge, and which could adversely impact on future business. It is important that companies can share commercially sensitive information with Government in the confidence that information will not then enter the public domain and damage their wider commercial interests and opportunities. Disclosure of the requested information in this case would be contrary to legitimate expectations of confidentiality and would be likely to damage the commercial interests of the companies.

We have therefore concluded that, in this case, the balance of the public interest in withholding this information outweighs the public interest in disclosing it.

Regulation 12(3) and 13 (Personal Information)

Some of the personal information contained within the annexes which we have released to you has been redacted because it falls within the absolute exception to disclosure at regulation 12(3) and 13(1) of the EIR.

The exception has been engaged because we consider that some of the material contains third-party personal information of living individuals.

When the information is personal data of someone other than the applicant, regulation 12(3) requires personal data not to be disclosed, except in accordance with regulation 13 (EIR). Regulation 13(1) prohibits the department from disclosing third-party personal data if this would contravene the UK General Data Protection Regulation ("UK GDPR") or the Data Protection Act ("DPA") 2018.

The departments reasons for refusing to provide third-party personal information is that disclosure would contravene UK GDPR. Article 5(1)(a) states that "Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject". In the case of an EIR request, personal data is 'processed' when it is disclosed in response to the request. This means that the information can only be disclosed if to do so would be lawful, fair, and transparent.

We consider that disclosure under this request would be unlawful, in breach of the first data protection principle, outlined above.

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of receipt of the response to your original request and should be addressed to the Information Rights Unit:

Information Rights Unit
Department for Business and Trade
Old Admiralty Building
London
SW1A 2DY
Email: @businessandtrade.gov.uk

Please remember to quote the reference number above in any future communications.

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. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

Department for Business and Trade