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Mr Owen Boswarva
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Our ref: FOI2019/09209
29 May 2019

Dear Mr Boswarva,

REQUEST FOR INFORMATION: LandIS Agreement between Cranfield University and Defra

Thank you for your request for information of 29 April 2019 about the LandIS agreement between Cranfield University and Defra. We have handled your request under the Freedom of Information Act 2000 (FOIA).

The information you requested and our response is detailed below.

1. *A copy of the version of the LandIS Agreement currently in effect, including any schedules or annexes to the Agreement. (If no version is currently in effect please provide the version most recently in effect.)*

Please find attached within this email response and labelled Annex C copies of the latest versions of the LandIS agreement and related annexes. Some of the information within the contract is being withheld as it falls under the exemptions in sections 40(2) and 40(3A) which relate to personal data relating to persons other than you, and section 43(2) of the FOIA, which relates to information which would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Section 40(2) and 40(3A)

These sections exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because s/he would not reasonably have expected her/his name to be made public. In addition staff below Senior Civil Servants (SCS) have also been removed because the junior staff involved would not reasonably expect their names, roles and contact details to be disclosed in relation to this request for information.



Section 43(2)

In applying exemption 43(2) we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning details of public sector contracts as this helps promote transparency in government and reassurance that public money is being spent prudently. However we balanced this against the public interest in allowing the Department to withhold the information, which if disclosed, would prejudice the commercial interests of the commercial partners. This is because publishing the full breakdown of costs would identify amounts involved in this agreement and would prejudice our commercial partners in future tendering bids. It would not be in the public's interest if there was not a competitive tendering process to enable Defra to seek the best agreement.

Therefore, we have concluded that in all the circumstances of the case, the information should be withheld.

- 2. The total amount received by Defra or the Government, in fees or other revenue, under the arrangements covered by the LandIS Agreement, in each of the past three years (either calendar year or financial year).*

We can confirm that no fees are received by Defra or the government under the LandIS agreement.

- 3. The total income received by Cranfield University, in fees or other revenue, under the arrangements covered by the LandIS Agreement, in each of the past three years (either calendar year or financial year).*

This information is not held by Defra. You will need to approach Cranfield University directly for this information.

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B 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

D Lynch
Information Rights Team
InformationRequests@defra.gov.uk

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

Annex B

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 11 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 1E, Nobel House, 17 Smith Square, London, SW1P 3JR (email: InformationRequests@defra.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's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure. The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF