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10 January 2024

Andrew Mobsby, Head of Information Rights  
Department for Environment, Food & Rural Affairs  
Secole Building  
4th Floor  
2 Marsham Street  
London  
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By email to InformationRequests@defra.gov.uk

**Access to information request for LandIS Agreement between Cranfield University and Defra – Internal Review**

Dear Mr Mobsby,

I would like to request an internal review of Defra's response to the access to information request that I submitted on 6 December 2023 (your reference FOI2023/24515).

In carrying out your internal review of Defra's response, please consider in particular the following points:

1. The version of the current LandIS agreement published on Contracts Finder is a 47-page document, the majority of which has been redacted. In its response to my FOI request, Defra has relied on exemptions under section 41(1) (information provided in confidence) and section 43(2) (commercial interests) as the basis of those redactions.

It is unclear in Defra's response which exemptions have been applied to redact which parts of the agreement, and whether any parts have been redacted based on both exemptions. I believe this broad approach to explanation of the redactions is unhelpful

and that Defra should have been more specific in its response about the basis for redaction of each relevant part of the agreement.

2. The previous version of the 'Agreement for Maintenance and Licensing of LANDIS', dated 4th April 2018 and then in effect, was disclosed to me by Defra on 29 May 2019 (your reference FOI2019/9209) with relatively few redactions and no redactions that relied on the exemption under section 41(1) of the FOIA. This inconsistency in approach raises doubts about the validity of most of the redactions applied to the current version of the LandIS agreement.

To the extent that any of the redacted material in the current version of the agreement duplicates or is substantially the same as material in the previous version that has already been disclosed to me, that information has already been legally disclosed to the world at large and cannot reasonably be withheld based on either of the exemptions applied by Defra.

3. The LandIS information system and the data products derived from it, to which the LandIS agreement relates, are described in some detail on a public website maintained by Cranfield University at <https://www.landis.org.uk/>. To the extent that redacted material in the current version of the LandIS agreement duplicates or is substantially the same as material made public by Cranfield University, it cannot reasonably be considered "confidential information" for purposes of the exemption under section 41(1) of the FOIA.
4. In some parts of the agreement, Defra has even redacted titles or headings (for example, sections 6, 15, and 26, and Schedule 1). It seems unlikely that redaction of these titles or headings is sustainable within the scope of the exemptions under section 41(1) or section 43(2) of the FOIA.
5. I am surprised that Defra has not withheld any information based on the exemption under section 40 of the FOIA, but I note that redactions made based on the exemption under section 43(2) include "personal information". It would be in Defra's interest to specify which redacted parts of the LANDIS agreement it considers to be personal data, as I am unlikely to challenge those redactions.

Thank you for your attention to this internal review request.

Yours sincerely,

Owen Boswarva