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Owen Boswarva
By email: owen.boswarva@gmail.com

Our ref: FOI2023/24515
3 January 2024

Dear Owen,

REQUEST FOR INFORMATION: LandIS Agreement between Cranfield University and Defra

Thank you for your request for information of 6 December 2023 about the LandIS Agreement between Cranfield University and Defra. We have handled your request under the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

Cranfield University holds digital soil data for England and Wales in a soil and land information system called LandIS. Arrangements for access to this data have been established as part of a legal agreement, between the University and Defra acting on behalf of the Crown, called the "LandIS Agreement":

https://www.landis.org.uk/publications/downloads/soil_information_and_data_policy.pdf
<http://www.landis.org.uk/data/index.cfm>

I would like to request the following information, if held by Defra. Please treat this as an information request in accordance with the Freedom of Information Act. (This request is substantially a repeat of a request that Defra responded to on 29 May 2019, your reference FOI2019/09209.)

- 1. A copy of the version of the LandIS Agreement currently in effect, including any schedules or annexes to the Agreement.*

We can confirm that a copy of the LandIS Agreement currently in effect can be found on Contracts Finder here [LandIS Vector and Soilsclapes Database support and maintenance contract - Contracts Finder](#)

As the information is reasonably accessible to you by other means, section 21 of the FOIA exempts Defra from providing a copy of the information with this response to your request.

- 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.

In addition, I would like to request the following information, to the extent that it may not be covered by point 1 above:

4. *A copy of any other agreement made by Defra with Cranfield University, under which Defra and/or other UK government bodies have rights or permissions to access and/or reuse data held in the LandIS system.*

I am aware of the current "Agreement for the Maintenance and Licensing of LANDIS" published by Defra on Contracts Finder:

<https://www.contractsfinder.service.gov.uk/notice/2e632582-6663-4903-a485-52976eb24bd9>

However, that document is extensively redacted and may not contain all of the information within scope of my request that is eligible for release under the FOI Act.

As you have explained the information request here that can be made publicly available is already on Contracts Finder. We have therefore interpreted this part of your request to ask for an un-redacted version of this document.

We have decided that this un-redacted version should be withheld under section 41(1) of the FOIA, which relates to information provided in confidence, and section 43(2) of the FOIA, which relates to commercial interests.

Section 41(1)

The exemption under section 41(1) of the FOIA applies to the information insofar as it was obtained from another person with the expectation of confidentiality. Under these circumstances, we consider that disclosure would constitute an actionable breach of confidence. There is a strong public interest in maintaining confidentiality as some of the information was obtained by Defra as part of a contract which we entered in to. It stipulated that it is Cranfield University confidential information and as such this has created an expressed expectation of confidentiality which, combined with the necessary quality of confidence of the information, means that Defra has a duty of confidence in relation to the content of the information held. We have concluded that it is not in the public interest to breach the confidence held and to disclose the information. We consider that such a breach of confidence would be actionable. I therefore find that section 41(1) applies.

Section 43(2)

Additionally, the information falls under the exemption at section 43(2) of the FOIA, which relates to information which if disclosed would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding the information).

In applying this exemption, we have balanced 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 contracts that Defra are involved with. We understand that the release of such information will aid openness, transparency and accountability within government. However, there is a stronger public interest in withholding this information because Defra needs to ensure that third parties are not discouraged from engaging with us for fear that the information, they provide will become public and in doing so risk damage to legitimate commercial activities. In this case, disclosure of such information would be to the detriment of Cranfield University as it will show financial information, information on preparing for expiry or termination of the contract and personal information. Release of the information would therefore prejudice the commercial interest of the third parties that have chosen to engage with Defra on this issue and we have concluded that in all the circumstances of the case, the information should be withheld.

We attach Annex 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

Information Rights Team

InformationRequests@defra.gov.uk

Annex

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 Andrew Mobsby, Head of Information Rights via email at 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 using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>