

Annex A

Exemption/Exception in full Environmental Information Regulations Regulation 13(1)

<u>Factors for disclosure</u>	<u>Factors for withholding</u>
<ul style="list-style-type: none"> the requirement that "a public authority shall apply a presumption in favour of disclosure". Furthering the understanding of and participation in the public debate of issues of the day; Promoting accountability and transparency by public authorities for decisions taken by them; Promoting accountability and transparency in the spending of public money; Allowing individuals and companies to understand decisions made by public authorities; 	<ul style="list-style-type: none"> To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition is satisfied, a public authority shall not disclose the personal data.
<p><u>Reasons why public interest favours withholding some of the information</u></p> <p>There were 2247 agreements that were in force as at 1 March 2005 and had payments made within the current and the previous financial year.</p> <p>In November 1998, English Nature began to introduce a clause into its management agreements that provided for the disclosure of details contained in the agreements. Until that time, our agreements lacked any provision for disclosure, nor was any expectation generally given to agreement holders that agreement details would be disclosed. Having taken account of our statutory duties, and especially the implications of the absence of the disclosure clause from some agreements, and the differing expectations given to agreement holders, English Nature considers that we cannot treat the agreements lacking the clause in the same way as agreements which do have the disclosure clause.</p> <p>English Nature has considered the agreements that lack the disclosure clause. We have identified agreements that, although they lack the clause, are already in the public domain, together with agreements where, although the agreement lacks the clause, the agreement holder has otherwise given consent for disclosure. As a result of this analysis, we consider that we can now release data on 1891 agreements. I must inform you that we have decided not to disclose the corresponding information for the 356 agreements that lack the disclosure clause, or the owner's consent, and are not already in the public domain.</p> <p>The part of information that is being withheld falls under the exemption/exception in Regulation 13 of the Environmental Information Regulations 2004 which relates to personal data. In applying this exemption/exception, we have had to balance the public interest in withholding the information against the public interest in disclosure.</p>	