

Annex A

Request

I would like to request the following information regarding all meetings at which the FSA's CEO was present and at which SPS issues were discussed held with DEFRA or DIT from 1 March 2020 to the present day:

- A full list of attendees, including the full names and titles of each attendee*
- The time, date and duration of when the meeting took place*
- The location of the meeting*
- A copy of the agenda for the meeting*
- Materials that were handed out and received during the meeting, such as presentation slides, brochures, reports, and leaflets*
- Minutes taken during the meeting, as well as any accompanying briefing notes and papers*

Foreword

The FSA puts food safety and consumer interest at the heart of everything we do.

We provide expert independent advice based on the latest scientific evidence to ensure that all food imports and exports to and from the UK comply with our existing high safety standards.

Response

There have been ten meetings between the Chief Executive and/or Defra and DIT officials relating to SPS issues since 01 March 2020. The details of these meetings have been provided in Annex C. Certain names within this annex have been withheld under Section 40(2) and (3) of the Act.

All other information held by the FSA in relation to these meetings has been withheld under Section 27, Section 28 and Section 35 of the Act

Further details about our use of these exemptions can be found in Annex B.

Annex B

Section 40 (Personal Information)

Some information has been withheld as it contains personal details relating to third parties or staff below Civil Service Grade 7. We consider that it would be disproportionate to publicly disclose these personal details, unless there was a strong public interest to do so.

These individuals have a legitimate and reasonable expectation that their personal details will not be disclosed in the context in which it is held. Disclosures under the Act are not just to those who request it but to the world at large.

Article 5(1)(a) of the General Data Protection Regulations (GDPR) and Section 35 (1) of the Data Protection Act 2018 (DPA) requires the processing of personal data to be fair and lawful.

On balance, we do not consider there to be a legitimate public interest in disclosing this information. Disclosure of this information would contravene the first data protection principle, particularly that to process the data in this way (i.e. by disclosure to the public) would not be fair in all the circumstances. Furthermore, we do not consider that Art 6 (1) of the GDPR is satisfied in that disclosure would not be lawful. Therefore, the information is exempt under section 40(2) and (3) of the Act.

Section 27 and 28 (International relations and relations within the UK)

We have withheld the information, which consists of agendas from the relevant meetings, along with any materials circulated and minutes taken, under sections 27 and 28 of the Act.

The exemptions in sections 27(3) & (4) and 28(2) apply as that information, if disclosed, would be likely to prejudice international relations and relations between the UK government, the Scottish Executive, the Welsh Assembly and the Northern Ireland Executive.

As the exemptions in these sections are qualified exemptions, we have undertaken public interest tests to decide where the balance of public interest lies regarding the disclosure of this information. Whilst there is a public interest in the transparency of ongoing negotiations relating to SPS issues, we consider that relations between the UK and devolved administrations, the European Union and the United States would be harmed if this information were released as release would be contrary to the EU legislation designed to protect it.

Information such as that provided by Member States in international networks of regulatory authorities, is provided on terms of strict confidence and its release would be against the duty of loyal cooperation under Article 20 of the EU Treaty (Treaty on the Functioning of the European Union).

We have also recognised that it is in the public interest that for the UK to agree trade deals relating to SPS issues in order to ensure the continued supply of food products that meet the UK's current level of food standards and safety across all four administrations. To agree such deals the UK Government must maintain good relations with the Scottish Executive, the Welsh Assembly and the Northern Ireland Executive, as well as wider international relations (section 27(3) & (4)).

We have concluded that the balance of public interest favours non-disclosure

Section 35 (Government policy)

We have also withheld some information under s35(1)(a) as it relates to the formulation and development of government policy. This includes information relating to the impact of, and planning for, the UK's exit from the EU as it relates to public health checks on imported foods, and assessments of how existing EU regulations relevant to food safety would be converted into UK law.

We have completed a public interest test as required by this qualified exemption. In this case we have recognised the general public interest in openness, and also the public interest in understanding how government devises policy. On the other hand, there is also a strong public interest in withholding this information to ensure private space for the provision of advice and exchange of views for the purpose of deliberation while developing policy.

It is not in the public interest to publish proposals and working documents before policy decisions of this nature are finalised, as this may present a misleading picture. We also consider that disclosure would be likely to inhibit the dialogue and discussion which is a necessary and proper part of effective government.

Overall, the balance of the public interest test favours withholding the information.

Meeting	Attendee list	Date, time and duration	Location
SPS, Food Standards, Trade meeting	David Hallam (Director for EU International Trade, DEFRA) Christine Middlemiss (Director General, Chief Veterinary Officer) Peter Borriello (Chief Executive Officer, VMD) Gareth Baynham-Hughes (Director of Animal and Plant health, DEFRA) Mike Rowe (Deputy Director for EU exit and Trade Analysis) Tom Surrey (DEFRA) Ceri Morgan (Head of Global Trade Negotiations, DEFRA) Paul McCaffrey (Deputy Director, Global Trade Negotiations, DEFRA) S40 Sarah Adcock (Deputy Director, EU Strategy and Negotiations, DEFRA)	04 March 2020 16:00-17:00	Room 301, LNH/ 1.8 HH, Bristol or VC (Emily joined by VC)
FSA / Defra meeting	Rt. Hon. George Eustice MP (Secretary of State for the Department of Environment, Farming, and Rural Affairs) Heather Hancock (Chair of the Food Standards Agency) Emily Miles (Chief Executive Officer of the Food Standards Agency) S40	10 March 2020 12:45-13:15	House of Commons, committee room 7
FSA / DIT trade discussion	Oliver Griffiths (Director, US Negotiations, DIT) Emily Miles	24 April 2020 15:00-16:00	VC

	<p>(Chief Executive Officer, Food Standards Agency) Phil Flaherty (Head of Trade Strategy, FSA) <i>S40</i></p>		
SPS and US trade meeting	<p>David Hallam (Director for EU International Trade, DEFRA) David Kennedy (Director General for Food, Farming and Biosecurity, DEFRA) Gareth Baynham-Hughes (Director, Animal and Plant Health and Welfare, DEFRA) Alison Ismail (Director, Agri-Food Chain, DEFRA) Deborah Hankins (Director, Agri-Food Chain, DEFRA) Ceri Morgan (Head of Global Trade Negotiations, DEFRA) William Armitage (Deputy Director for Trade, DEFRA) <i>S40</i> Ronnie Haynes (Acting Deputy Director for Independent Trade Policy, DEFRA) Paul McCaffrey (Deputy Director, Global Trade Negotiations, DEFRA) <i>S40</i> Emily Miles (CEO, FSA)</p>	03 June 2020 16:00-16:45	VC
FSA / DIT trade discussion	<p>Oliver Griffiths (Director, US Negotiations, DIT) Emily Miles (CEO, FSA)</p>	09 June 2020 10:30-11:00	VC

	<i>S40</i>		
SPS and US trade meeting	<p>David Hallam (Director for EU International Trade, DEFRA)</p> <p>David Kennedy (Director General for Food, Farming and Biosecurity, DEFRA)</p> <p>Gareth Baynham-Hughes (Director, Animal and Plant Health and Welfare, DEFRA)</p> <p>Alison Ismail (Director, Agri-Food Chain, DEFRA)</p> <p>Deborah Hankins (Director, Agri-Food Chain, DEFRA)</p> <p>Ceri Morgan (Head of Global Trade Negotiations, DEFRA)</p> <p>William Armitage (Deputy Director for Trade, DEFRA)</p> <p><i>S40</i></p> <p>Ronnie Haynes (Acting Deputy Director for Independent Trade Policy, DEFRA)</p> <p>Paul McCaffrey (Deputy Director, Global Trade Negotiations, DEFRA)</p> <p><i>S40</i></p> <p>Emily Miles (CEO, FSA)</p>	10 June 2020 13:30-14:30	VC
SPS and US Trade meeting	<p>David Hallam (Director for EU International Trade, DEFRA)</p> <p>David Kennedy (Director General for Food, Farming and Biosecurity, DEFRA)</p> <p>Gareth Baynham-Hughes (Director, Animal and Plant Health and Welfare, DEFRA)</p> <p>Alison Ismail (Director, Agri-Food Chain, DEFRA)</p>	25 June 2020 09:30-10:30	VC

	<p>Deborah Hankins (Director, Agri-Food Chain, DEFRA) Ceri Morgan (Head of Global Trade Negotiations, DEFRA) William Armitage (Deputy Director for Trade, DEFRA) <i>S40</i></p> <p>Ronnie Haynes (Acting Deputy Director for Independent Trade Policy, DEFRA) Paul McCaffrey (Deputy Director, Global Trade Negotiations, DEFRA) <i>S40</i></p> <p>Emily Miles (CEO, FSA)</p>		
David Hallam / Emily Miles 1:1	<p>David Hallam (Director for EU International Trade, DEFRA) Emily Miles (CEO, FSA) <i>S40</i></p>	26 June 2020 11:30-12:30	VC
Defra F4 meeting	No Record of cast list kept	01 July 2020 09:00-10:30	VC
Defra F4 meeting	No record of cast list kept	12 August 2020	VC

		09:00-10:30	
--	--	-------------	--