

Central Services and Contingency Planning
Group
Private Office



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk

Our reference: DAERA/21-11

[REDACTED]
[REDACTED]

Room 438
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast
BT4 3SB
Telephone: [REDACTED]
Email: private.office@daera-ni.gov.uk

Dear [REDACTED]

Freedom of Information Act 2000 (FOIA)

I refer to your request for information received by the Department on 15 January 2021 that sought the Minutes of the Ministerial meeting with NI Retailers in January 2021

I can advise that the Department has completed its search and can confirm that it holds the information you requested however the Department has decided not to disclose some the information as it is considered personal data of which you are not the data subject. Section 40(2) of the FOIA provides an exemption from disclosure. In these instances, the Department is required to consider if disclosure would breach the first Data Protection Principle which states that processing must be lawful, fair and transparent.

The Department has considered this element and has determined that no lawful basis for disclosure under FOI / EIR exists, bearing in mind that any such disclosure must be considered in terms of disclosure to the “world at large”, and not just you the requester. Consequently, the personal data falling within the scope of this request has been withheld.

A copy of the information which can be disclosed is attached at Annex A. A copy of the Lawful and Fairness test is attached at Annex B.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Ballykelly House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department's decision.

Yours sincerely,




Private Office

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/21-11

Freedom of Information Act 2000

Request Details:

Request for the minutes of a meeting Minister Edwin Poots had with NI retailers with regards to trade flows across the Irish Sea, and ongoing difficulties. Specifically detailing conversations about concerns about delays to food supplies to Northern Ireland's hospitals, schools and prisons.

Brief description of the Personal Data falling within the scope of the request

Names of attendees.

LAWFULNESS

Please identify the lawful bases for processing

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful bases for processing are set out in Article 6 of the GDPR and the ICO expects at least one of two lawful bases (Consent / Legitimate Interest) to apply before the personal data held can be disclosed.

- Consent:** This will apply when the data subject(s) clear consent exists that allows you to disclose the personal data falling within the scope of this request.
- Legitimate interests:** the processing is necessary for the Department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

Consideration of Legitimate Interests

1. PURPOSE

As the disclosure of personal data under FOI is to the world at large doing so on the strength of a requester's private interests alone could constitute a disproportionate and unwarranted level of interference with the data subject(s) rights and freedoms, particularly their right to privacy and family life under the Human Rights Act 1998.

2. NECESSITY

The right of access under FOI does not in itself constitute a **pressing social need**.

The Department has considered and not identified any such need for the data subject's right to privacy to be interfered with.

CONCLUSION

Having considered all of the information contained within this test, the Department has established that there is no lawful basis for the disclosure of third party personal data falling within the scope of the request.

[REDACTED]

[REDACTED], Private Office



MEETING NOTE: 7 January 2021

INV Number: INV-1835-2020

TITLE/ORGANISATION:		Meeting with Food Retailers	
VENUE:	<input type="checkbox"/> e.g. PB	<input type="checkbox"/> e.g. DDH	<input type="checkbox"/> OTHER:
LIST OF ATTENDEES:			
<input checked="" type="checkbox"/> Minister	<input checked="" type="checkbox"/> Spad	<input checked="" type="checkbox"/> PS	
OFFICIALS:	Dr Denis McMahon, Permanent Secretary Robert Huey, CVO ██████████, Director VSAHG ██████████, DAERA BOR ██████████, DAERA BOR ██████████, Press Office		
OTHERS:	██████████, Tesco ██████████, Asda ██████████, Sainsbury's ██████████, Lidl ██████████, Lidl ██████████, Iceland ██████████, Spar ██████████, Spar ██████████, Spar ██████████, Supervalu ██████████, Supervalu ██████████, Supervalu ██████████, Supervalu ██████████, Co-op ██████████, Co-op ██████████, Marks & Spencer		

KEY POINTS DISCUSSED:

1. Welcome and Introductions

Minister asked for Retailers views on the current situation with the new processes

2. Retailers issues raised

[REDACTED] – Henderson's (Spar)

- Have been working with DAERA re rejected loads
- Experiencing haulage and groupage problems
- Trailers in wrong place
- Suppliers in GB not prepared – reluctance to accept responsibility
- Service level inbound is falling, outbound is holding up due to stock building
- Systems are struggling under pressure – GVMS
- Concerned about Covid absences
- Uptick in sales due to problems with multiples
- Concerned about food waste – perishable products
- If rules don't change to consignment level EHC on 1 April the rules will kill business
- P&R need a solution not a fix
- Concerns regarding food service – hospitality, disruption to supply to schools, hospitals and prisons
- End to end solution required

[REDACTED] – Lidl

- Problems with GB-NI groupage
- Concerned about suppliers who supply direct from GB to NI
- Return of pallets

[REDACTED] – Asda

- Suppliers who send direct from GB to NI not prepared helping them with Traces and GVMS
- Negative media re empty shelves
- Looming issue with P&R goods
- Lorries coming through ports
- DAERA colleagues have been helpful and pragmatic
- 12 months needed to get processes in place not 3 months
- OCR not capable with lorries crossing the Irish Sea
- Additional costs for customs declarations, EHC's etc
- No risk to the single market. NI has the most traceable supply chain in the UK
- Problems come 1 April, light touch now
- Difficulty getting supply to pre-notify
- Need system that includes FSA/HMRC

– Marks & Spencer

- Need clarity re P&R goods
- Problems moving goods GB to ROI
- Goods coming into NI from GB

 – Tesco

- Main concerns are milestones, volumes and capacity
- Working with suppliers to ensure they have the correct paperwork

 – Co-op

- Waiting for P&R guidance to be finalised
- Level of detail required takes time, is burdensome

 – Sainsbury's

- Need clarity for end of easement period otherwise there will be sudden and rapid reduction in range

 – Iceland

- Difficult to see how frozen/fresh food can comply

3. DAERA Response

Robert Huey – CVO, DAERA

- Lorry drivers to wear masks
- Nothing has been sent back
- Training and assisting
- Need to discuss 1 April
- Lack of readiness of HMRC to handle through ports, problems producing paperwork
- Had to adapt our systems in advance of 1 January
- Seal checks happening, some delay all working now, continuing to monitor
- Can fix pre-notification
- Will help when volumes increase
- 1 April have to apply OCR – Defra end to end system, EU need to agree

 – DAERA

- Chilled issues still to be addressed
- Need to iron out existing approach and make it better
- Groupage issues

Mr Edwin Poots, DAERA Minister

- Food on shelves critical to business and people of NI
- If there is a threat I need to express it to UKG & EU

- Need to know scale of problems if going to try to resolve them, will do our best to get outcomes. Got the message clearly industry can provide solutions

Dr Denis McMahon – Permanent Secretary, DAERA

- Need improvements with pre-notification
- TSS & customs – impact on suppliers in GB

Look at local solution that will work on 1 April

ISSUES AGREED:

- No issues to note

ACTION POINTS / OFFICIAL RESPONSIBLE:

- **ACTION 1:** [REDACTED] to scope possibility of an end to end solution – [REDACTED]
- **ACTION 2:** [REDACTED] to arrange workshop with retailers – [REDACTED]

Notes provided by [REDACTED]

Cleared by [REDACTED]

DATE:

14 January 2021