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Our ref: FOI2024/06716  
19 April 2024

Dear Owen,

**REQUEST FOR INFORMATION: Documents related to the LandIS agreement between Cranfield University and Defra**

Thank you for your request for information of 21 March 2024 about documents related to 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.

*Thank you for your responses to my request for information about the LandIS Agreement between Cranfield University and Defra (your references FOI2023/24515 and IR2024/00835).*

*I would like to submit a new information request for some related information that is summarised in Schedule 1 – Annex A of the latest LandIS Agreement.*

*Please provide copies of the following documents (or the information in the documents):*

- *Heads of Agreement dated 24th April 1987, which cover transfer of LandIS ownership from MAFF/AFRC/LAT to Cranfield*
- *"Deed of Assignment" from Lawes Agricultural Trust to Cranfield, dated 31st July 1993*
- *LandIS Agreement dated 3rd September 1999*
- *LandIS Addendum dated 1st April 2003*

We consider that some of the documentation you have requested is historical information and due to the passage of time that has elapsed since the documentation was originally signed and that potential prejudice may also have declined over time. Therefore, please find attached within this email response, labelled Annex C and Annex D respectively, the Heads of Agreement dated 24 April 1987, which covers the transfer of LandIS ownership from MAFF/AFRC/LAT to Cranfield and the "Deed of Assignment" from Lawes Agricultural Trust to Cranfield, dated 31 July 1993.

**Sections 40(2) and 40(3A)**

Personal data, such as names, titles, signatures and any other personal identifiers is being withheld under sections 40(2) and 40(3A) of the FOIA, which provides an exemption from

the right to information if it is personal data of a third party and release would be a contravention of the principles as set in Article 5(1) of the UK General Data Protection Regulations (GDPR). This means in applying this exemption we do not need to apply a public interest test. We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because they would not reasonably have expected their signature to be made public in relation to a release under this legislation. We therefore find that this exemption applies in relation to withholding the personal information in the disclosed information.

### **Section 43(2)**

The LandIS Agreement dated 3 September 1999 and the LandIS Addendum dated 1 April 2003 are being withheld under 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.

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B 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](mailto:InformationRequests@defra.gov.uk)

## **Annex A**

### **Copyright**

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

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## **Annex B**

### **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 [REDACTED], Head of Information Rights via email at [InformationRequests@defra.gov.uk](mailto: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/>