

Freedom of Information & Environmental Information Regulations: Disclosure Log 2022/23

Information released: 18 April 2023

Date of Request / Information Requested	Date of Response / Response
<p>Reference: AFBIEIR20220401</p> <p>Date of Request: 28 April 2022</p> <p>The following information was requested:</p> <p><i>Information about salmon and trout populations from the year 2000 for the two SAC Rivers Swanlinbar and Ballinderry Upper.</i></p>	<p>Date of Response: 26 May 2022</p> <p>The following response was provided:</p> <ol style="list-style-type: none"> <i>1. Percentage compliance of salmon numbers against stock conservation limits for salmon on the Ballinderry catchment as a whole unit, (but this is not specifically reflective of the Upper Ballinderry.) See Point 1 information at https://www.afbini.gov.uk/publications/freedom-information-foi-environmental-information-regulations-eir-disclosure-logs-2022</i> <i>2. Data from one quantitative survey site on the Swanlinbar River from 2018 and 2021. This is relevant to part of your request. See Point 2 Appendices A (2018) and B (2021) at https://www.afbini.gov.uk/publications/freedom-information-foi-environmental-information-regulations-eir-disclosure-logs-2022</i> <i>3. Some fish survey data from a commissioned report on a small section of the upper Ballinderry. The information at point 3 meets exceptions under regulations 12(4)(e) (internal communications) and 12(5)(b) (course of justice) of the Environmental Information Regulations and we consider that it is not in the public interest to disclose the data at this point.</i>

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<p>Reference: AFBIFOI20220601</p> <p>Date of Request: 24 June 2022</p> <p>The following information was requested:</p> <p><i>I would simply like to know when the 2022 monies (my monies), relating to the Drumatihugh lands, were paid by AFBI to Carson McDowell solicitors.</i></p>	<p>Date of Response: 04 July 2022</p> <p>The following response was provided:</p> <p><i>AFBI made payment to Carson McDowell in respect of this matter on 28 June 2022, 32 days following receipt of the invoice.</i></p>
<p>Reference: AFBIFOI20220801</p> <p>Date of Request: 22 August 2022</p> <p>The following information was requested:</p> <p>request for the following information relating to the authority's current Multi-Functional Devices and printing/scanning services contract(s)</p> <ol style="list-style-type: none"> 1. <i>What services are included in the contract(s)? (eg printing vs scanning etc)</i> 2. <i>Which supplier is delivering them? (If in-house, please confirm or if multiple provider please identify them)</i> 3. <i>How many contracts does this entail and what's the award value for each?</i> 	<p>Date of Response: 13 September 2022</p> <p>The following response was provided:</p> <p><i>I am writing to advise you that following a search of our paper and electronic records, I have established that the information you requested is not held by the Agri-Food and Biosciences Institute.</i></p> <p><i>AFBI shares the NIGOV infrastructure, which is the home network of the Northern Ireland Civil Service (NICS). This platform is provided by the Department of Finance's Enterprise Shared Services (ESS) directorate. The information you have requested on multi-function devices is the responsibility of this department and you may wish to direct your queries to foi@finance-ni.gov.uk.</i></p>

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<ol style="list-style-type: none"> 4. <i>When do these contracts expire and do they have any extensions?</i> 5. <i>What is the annual volumetric data (split by Annual Mono and Annual Colour print)?</i> 6. <i>What is the total number of devices supplied?</i> 7. <i>What Managed Print Service software solution do you use?</i> 8. <i>How many Mono MFDs and Colour MFDs do you have?</i> 9. <i>What document management solution do you use?</i> 10. <i>What High Volume printing devices do you use?</i> 11. <i>Were any framework agreements used to procure the goods/services? If so, which ones?</i> 12. <i>Any documentation you can provide me with, eg the order form</i> 13. <i>What department is managing the contract and who's the decision-maker?</i> 14. <i>How many Adobe Acrobat (standard, professional and reader) licenses do you have?</i> 15. <i>What is the annual cost?</i> 16. <i>When is the renewal date?</i> 17. <i>Who is responsible for the contract?</i> 18. <i>Do you use any other PDF editing tools?</i> 	<p>You may also find some of the information you seek at Information Communications Technology (ICT) Managed Print Services Department of Finance (finance-ni.gov.uk).</p>
<p>Reference: AFBIFOI20220901</p>	<p>Date of Response: 07 October 2022</p>
<p>Date of Request: 12 September 2022</p>	<p>The following response was provided:</p>
<p>The following information was requested:</p>	<p>See the linked response table.</p>

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information relating to expenditure on equality, diversity, and inclusivity – specifically:

- a) The number of roles in your association (expressed in numbers of FTE), that are mainly or exclusively focussed on issues of equality, diversity, or inclusivity. For example, this could include (amongst other guises) “EDI officers” or “diversity and inclusion project managers” but would not include general HR managers.*
- b) Either a) the pay band of each of these roles, or b) the combined total salaries for these roles. Whichever measure is more in accordance with your data preferences.*
- c) In the past 12 months the number of staff days across your organisation which have been committed to attending equality training programmes, whether internally run or with external consultants. (staff days = duration of the training programme multiplied by the number of staff in attendance for the course).*
- d) The contractual cost of any consultants hired, in the past twelve months, to provide any external training or advice on issues of diversity, equality, or inclusivity.*
- e) In the past twelve months, the number of staff days committed to attending conferences relating mainly or exclusively to matters of Equality, Diversity and Inclusion. (duration of conference multiplied by the number of staff in attendance).*

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<p><i>f) The costs of attending these conferences.</i></p> <p><i>g) Membership costs the organisation pays for participation in equality charters such as the Stonewall Equality Champions, or Diversity and Inclusion Workplace champions.</i></p>	
<p>Reference: AFBIFOI20220902</p> <p>Date of Request: 15 September 2022</p> <p>The following information was requested:</p> <ol style="list-style-type: none"> <i>1. The maximum annual leave carried over by any clinically extremely vulnerable (CEV) staff member from 2021/22 leave year into 2022/23 leave year.</i> <i>2. Number of CEV staff who carried over annual leave from 2021/22/ to 2022/23.</i> <i>3. Average annual leave carried over by CEV staff from 2021/22/ to 2022/23.</i> <i>4. Average annual leave taken by CEV staff in the 2021/22 leave year, excluding bank holidays.</i> 	<p>Date of Response: 05 October 2022</p> <p>The following response was provided:</p> <ol style="list-style-type: none"> <i>1. The maximum annual leave carried over by any clinically extremely vulnerable (CEV) staff member from 2021/22 leave year into 2022/23 leave year. 9 days</i> <i>2. Number of CEV staff who carried over annual leave from 2021/22/ to 2022/23. 3 staff</i> <i>3. Average annual leave carried over by CEV staff from 2021/22/ to 2022/23. 9 days</i> <i>4. Average annual leave taken by CEV staff in the 2021/22 leave year, excluding bank holidays. 2.5 days</i>
<p>Reference: AFBIFOI20221001</p> <p>Date of Request: 28 September 2022</p>	<p>Date of Response: 31 October 2022</p> <p>The following response was provided:</p>

Date of Request / Information Requested	Date of Response / Response
<p>The following information was requested:</p> <ol style="list-style-type: none"> 1. Who is your social media management and monitoring tool supplier? 2. Start date & duration of framework/contract with the supplier 3. Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date 4. Who is the senior officer (outside of procurement) responsible for this contract? 	<ol style="list-style-type: none"> 1. AFBI does not have a social media management and monitoring tool supplier. 2. Not applicable 3. Not applicable 4. Not applicable
<p>Reference: AFBIFOI20221101</p> <p>Date of Request: 23 November 2022</p> <p>The following information was requested:</p> <ul style="list-style-type: none"> • The amount paid to each individual member of the AFBI board – including name and corresponding sum – since August 2021 up to and including November 23 2022 • All expenses claimed and paid to each individual member of the AFBI board – including name and corresponding sum – since August 2021 up to and including November 23 2022 	<p>Date of Response: 19 December 2022</p> <p>The following response was provided:</p> <p>The amount paid to each individual member of the AFBI board – including name and corresponding sum – since August 2021 up to and including 23 November 2022</p> <p>Payments to board members (identified by reference to pay bands) is published in AFBI's Annual Report and Accounts. The reports for 2021/22 and 2022/23 are not yet available. However, we consider that it would be unreasonable to withhold this information, which is set out in the table in Annex 1 to this letter.</p>

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<ul style="list-style-type: none"> • Attendance records for AFBI board meetings, making clear whether those in attendance were present in person or by virtual means • All internal and external correspondence relating to the appointment of AFBI board members since August 2021 up to and including November 22 2022 • Any declarations of political activity or conflicts of interest made by members of the AFBI board • The cost of catering facilities for each individual board meeting for the 12 month from October 2021. 	<p>Previous AFBI Annual Reports and accounts are available online at https://www.afbini.gov.uk/afbi-annual-reports.</p> <p>Specific sums paid to individual board members constitute personal information as defined by the Data Protection Act 2018 and the UK GDPR and as such engage the exemption from disclosure under Section 40(2) of the Freedom of Information Act 2000.</p> <p>We believe that disclosure would contravene one of the data protection principles – namely, that personal data must be processed lawfully, fairly and in a transparent manner. In our judgement it would be unfair to the data subjects whose expectations would be that information on their remuneration is disclosed only in banded form.</p> <p>We are also satisfied that we would have no lawful basis in GDPR to release data on specific remuneration amounts. In our opinion your legitimate interest is outweighed by the rights of the individual board members, and disclosure of specific amounts paid is not necessary to meet the legitimate interest in understanding how AFBI's board members are remunerated.</p> <p>All expenses claimed and paid to each individual member of the AFBI board – including name and corresponding sum – since August 2021 up to and including 23 November 2022</p> <p>As discussed above, specific sums paid to individual board members constitute personal information as defined by the Data Protection Act</p>

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2018 and the UK GDPR and as such engage the exemption from disclosure under Section 40(2) of the Freedom of Information Act 2000.

We believe that disclosure would contravene one of the data protection principles – namely, that personal data must be processed lawfully, fairly and in a transparent manner. In our judgement it would be unfair to the data subjects whose expectations would be that information on their remuneration is disclosed only in banded form.

We are also satisfied that we would have no lawful basis in GDPR to release data on specific remuneration amounts. In our opinion your legitimate interest is outweighed by the rights of the individual board members, and disclosure of specific amounts paid is not necessary to meet that legitimate interest.

Attendance records for AFBI board meetings, making clear whether those in attendance were present in person or by virtual means

The requested information is included in Annex 2 to this letter. You should note the appointment dates of individual board members as set out in Annex 2, and how these affect the attendance figures for individual members.

All internal and external correspondence relating to the appointment of AFBI board members since August 2021 up to and including 22 November 2022

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The process of appointing AFBI Board members is managed by DAERA and the Commissioner for Public Appointments NI (CPANI.) AFBI hold little information in relation to the appointments process.

Once members have been appointed and confirmed by DAERA, AFBI receive a copy of the Letters of Appointment as well as the new members' personal details from DAERA to allow for the commencement of post-appointment proceedings which include:

- 1. Obtaining bank and personal details to add them to the HR Connect system (AFBI does not retain these records once AFBI Human Resources Branch confirms that this has been actioned).*
- 2. Acceptance of AFBI's Code of Conduct for Board Members*
- 3. Completion of a Register of Interests and updated Pen Picture.*

The relevant items of correspondence held are set out in the schedule of records attached to this letter, and the individual items of correspondence (in redacted form where appropriate- see below) are also attached.

Some elements of these items have been withheld as exempt under Section 40(2) of the Act as personal information (the names and contact details of individual junior officials, and the personal contact details of board members.)

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	<p><i>We are also satisfied that some elements of the correspondence you have requested (a ministerial submission and attachments) are exempt from disclosure under S35(1)(b) (ministerial communications) and (d) (operation of a ministerial private office).</i></p> <p><i>Use of these exemptions requires a public interest test. AFBI recognizes that there is a public interest in openness in public appointments process. However, this is outweighed by the public interest in maintaining a 'safe space' for decision-making, in ensuring that the ability of officials to advise ministers is not undermined, and that ministers are not deterred from seeking formal advice from their officials.</i></p> <p><i>Any declarations of political activity or conflicts of interest made by members of the AFBI board</i></p> <p><i>AFBI does not hold the information requested on declarations of political activity by members of the AFBI board.</i></p> <p><i>Declarations of Political Activity form part of the appointments process. While AFBI does receive a copy of board members' appointment letters, we do not receive a copy of the relevant annex ('Annex E: Political Activity Questionnaire') which members complete and return to DAERA as part of the acceptance of appointment.</i></p> <p><i>I can confirm that AFBI does hold the information requested on conflicts of interest. However, as this information is readily available by other</i></p>

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	<p><i>means (on the AFBI Website Membership of the AFBI Board Agri-Food and Biosciences Institute (afbini.gov.uk)). the exemption under Section 21 of the Act is engaged and I have not provided it as part of this response.</i></p> <p><i>Registers can be updated at any time and are subject to periodic review. Conflict of Interest is also a standing item on the agenda of all board meetings.</i></p> <p><i>The cost of catering facilities for each individual board meeting for the 12 months from October 2021</i></p> <p><i>The requested information is included in Annex 3 to this letter. You should note the reasons for variation in costs associated with each meeting set out in the table.</i></p> <p>Annexes 1, 2 & 3, and the Schedule of records can be viewed on the FOI and EIR disclosure logs 2022/23 additional information page.</p>
Reference: AFBIFOI20221102	Date of Response: 06 December 2022
Date of Request: 30 November 2022	The following response was provided:
The following information was requested:	

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<p>1. Number of MFDs (Multi-functional devices) & photocopiers at Agri-Food and Biosciences Institute (AFBI)</p>	<p><i>I am writing to advise you that following a search of our paper and electronic records, I have established that the information you requested is not held by the Agri-Food and Biosciences Institute.</i></p>
<p>2. Name of incumbent</p>	<p><i>AFBI shares the NIGOV infrastructure, which is the home network of the Northern Ireland Civil Service (NICS). This platform is provided by the Department of Finance's Enterprise Shared Services (ESS) directorate. The information you have requested on multi-function devices is the responsibility of this department and you may wish to direct your queries to foi@finance-ni.gov.uk.</i></p>
<p>3. Start/end date of contract (if expired, WHEN do you expect to revisit the marketplace)</p>	<p><i>You may also find some of the information you seek at Information Communications Technology (ICT) Managed Print Services Department of Finance (finance-ni.gov.uk).</i></p>
<p>4. Details of any extension options</p>	
<p>5. What framework / Route to market used</p>	
<p>6. Do you share this contract/use the same arrangement with another organisation. If yes, please name who</p>	
<p>7. Number of regular/desktop printers (in addition to above)</p>	
<p>8. Is there a support contract on above, if yes please state start/end date</p>	
<p>9. Do you have a Print Room</p>	
<p>10. If yes, name of supplier, number of devices and start/end date of contract, also details of any extension options</p>	
<p>11. Total annual print/copy volumes including, if applicable your Print Room, for (a) mono (b) colour</p>	

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<p>12. <i>What Print software do you run</i></p> <p>13. <i>Your total annual spend on print</i></p> <p>14. <i>Name of person responsible for the running of MFDs and, if applicable, your Print Room</i></p>	
<p>Reference: AFBIFOI20221201</p> <p>Date of Request: 22 December 2022</p> <p>The following information was requested:</p> <p><i>As per our conversation this morning could I please have the unredacted interview notes relating to my interview on 281022.</i></p>	<p>Date of Response: 24 January 2023</p> <p>The following response was provided:</p> <p><i>Thank you for your email of 22 December 2022 where you requested sight of unredacted interview feedback notes relating to your interview for the post of Grade 7 Accountant with AFBI. We confirm that we hold the information you request. However, we are not able to disclose all of it.</i></p> <p><i>Specifically, we are unable to disclose the redacted material in the attached document, which consists of interviewers' notes, indicative answers, and guidance to panel members. We have applied the exemption at section 36 (2) (c) of the above legislation to this information. This exemption states that information is exempt information if, in the reasonable opinion of a qualified person, disclosure under the legislation would prejudice, or would be likely to prejudice, the effective conduct of public affairs.</i></p>

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Unlike other exemptions in the legislation, an exemption under section 36(2) can only be applied where a public authority has consulted with a 'qualified person', as defined in the legislation, and it is the qualified person's opinion that the harm stated in the exemption would, or would be likely to, arise through disclosure.

In this case, the qualified person is the Chair of the Agri-Food and Biosciences Institute (AFBI), who is of the opinion that disclosure of the information you request would be likely to prejudice our ability to offer an effective service through selecting and recruiting the right candidates and our ability to offer a fair recruitment process.

The exemption under s36 (2) (c) is 'qualified'. This means that we need to carry out a public interest test to determine whether the balance lies with or against disclosure. We have identified the following public interest arguments in favour of disclosing the information:

- *The general principles of transparency and openness*
- *The public interest in increasing openness, transparency and understanding of the candidate selection process, of which interview questions are part.*

Conversely, we have identified the following public interest arguments in favour of maintaining the exemption:

- *The public interest in our maintaining a position from which we can run an effective recruitment and selection campaign. This is likely to be adversely affected if we are unable to run interviews where all candidates did not know the interview questions, or*

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	<p><i>know the specific type and nature of questions we are likely to ask. Knowing too much about questions is likely to remove the element of quick thinking from the assessment process and can lead to schooled answers. There is also a risk that candidates could ask others to prepare answers for them which can lead to us choosing the wrong candidates.</i></p> <ul style="list-style-type: none"> <i>We also need to be able to offer a fair recruitment process. Were we to disclose the information you have requested, it seems likely that this would advantage those candidates who are aware of the disclosure. This might be internal candidates, those who check our disclosure log or who are in regular contact with us in some way. Short of giving all the questions as part of the application process, to disclose the questions may lead to advantages for some and disadvantages for others.</i> <p><i>On this occasion we have decided that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. We appreciate that this may be a disappointing response but I hope our reasoning is clear.</i></p>
Reference: AFBIFOI20230201	Date of Response: 14 March 2023
Date of Request: 20 February 2023	The following response was provided:
The following information was requested:	<i>I refer to your request under the above legislation for information about contacts from the tobacco industry with the Institute. I am writing to</i>

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I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000.

advise you that following a search of our paper and electronic records, I have established that we hold no information matching your request.

Please provide a list of any and all contact your organisation and/or staff have had with British American Tobacco, Imperial Brands, Japan Tobacco International, Philip Morris International, as well as any other domestic or transnational tobacco companies or anyone representing the tobacco industry including subsidiaries of tobacco industry.

I would like this information for the period from 1 April 2021 to 20 February 2023.

Contact would primarily include attending or arranging meetings or functions, and responding to correspondence or phone calls.

Please break down the information by:

- ***Tobacco company or representative's name***
- ***Date of contact(s)***
- ***Type of contact (meeting, email, letter, phone call, text/app message or video call, e-card or any other form of electronic communication)***
- ***Place of contact, if relevant***
- ***Purpose of contact***
- ***Outcome of contact, including if no action taken***

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I request that the information be provided electronically. I would be grateful if you could confirm in writing that you have received this request.

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request.

If you have any queries, please don't hesitate to contact me via email or phone and I will be very happy to clarify what I am asking for and discuss the request, my details are outlined below.

Thank you for your time and I look forward to hearing from you.

Reference: AFBIFOI20230202

Date of Response: 21 March 2023

Date of Request: 20 February 2023

The following response was provided:

The following information was requested:

Thank you for your letter of 16 February in which you requested information about AFBI staff with criminal convictions, and in particular:

I am asking for the following information under the Freedom of Information Act 2000.

- *The number of AFBI staff since 2012 who have or had a criminal record.*
- *The number of these staff who had a criminal record before*

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<p>1) Please tell me the number of employees in your department since 2012 who have/had a criminal record.</p> <p>2) How many of these employees had a criminal record before receiving an offer of employment?</p>	<p>receiving an offer of employment.</p> <p>I am writing to advise that we have completed a search of our records and can confirm that we do not hold the information you have requested.</p> <p>However, you may find the information below useful.</p> <p>Recruitment to positions in AFBI is managed by the Northern Ireland Civil Service's recruitment partner, HR Connect, and by independent recruitment agencies. These external bodies require applicants to complete an Access NI background check, which identifies whether the applicant has convictions considered to be unspent, or states that no such convictions were found.</p> <p>Our records show that between November 2022 and the date of your request, there have been two candidates who when undergoing pre-employment screening had criminal convictions disclosed.</p> <p>No applicants who failed an AccessNI check during that period were subsequently appointed to a position in AFBI.</p> <p>AccessNI is a branch in the Department of Justice. Its role is to process applications from members of the public who require a criminal record check for employment purposes. You can find out more about Access NI checks on the Department of Justice website at https://www.justice-ni.gov.uk/articles/about-accessni.</p>

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<p>Reference: AFBIFOI20230203</p> <p>Date of Request: 23 February 2023</p> <p>The following information was requested:</p> <p><i>I am writing to you under the Freedom of Information Act 2000 to request the following information from you. We are keen to ensure we are prepared when this is due to come to market or when the contract expires. Please can you advise ...</i></p> <ul style="list-style-type: none"> • <i>Who is your provider for clinical, offensive and incineration waste collection and disposal?</i> • <i>Which internal department manages this contract?</i> • <i>What is the contract term, including start and expiry date?</i> • <i>When and how is the contract likely to be renewed or come to market?</i> • <i>Do you use a framework or your own tender etc?</i> • <i>Current contract spend for clinical waste ?</i> • <i>Current volumes of each type of waste?</i> <p><i>Thank you.</i></p>	<p>Date of Response: 19 December 2022</p> <p>The following response was provided:</p> <p><i>Thank you for your email of 23 February 2023 where you requested information about AFBI's management of clinical, offensive and incineration waste.</i></p> <p><i>I am writing to advise that the Institute has completed its search and can confirm that we hold the information you requested.</i></p> <p><i>The information is set out in the table annexed to this letter.</i></p> <p><i>If you are unhappy with the way your request for information has been handled or the decision to release/withhold information, you have the right to request a formal internal review by the Institute. This review will be undertaken by member(s) of AFBI staff (who were not involved in the original case) and will provide a fair and thorough assessment of procedures and decisions taken.</i></p> <p><i>A review request must be made in writing either to the address above or via email to the AFBI FOI Officer (foi.officer@afbini.gov.uk) and should be made within two months of the date of this letter; please note that we are not obliged to accept a request received outside this timeframe.</i></p>

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	<p><i>We shall endeavour to complete the review and respond to you within 20 working days of receipt or advise you of the anticipated target date.</i></p> <p><i>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.</i></p> <p><i>Please remember to quote the reference number above in any future communications.</i></p>