

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 15 April 2025

Public Authority Rural Payments Agency (Executive Agency of
the Department for Environment, Food and
Rural Affairs)
Address: PO Box 69
Reading
RG1 3YD

Decision (including any steps ordered)

1. The complainant has requested parcel grid reference numbers relating to countryside stewardship. The Rural Payments Agency ("the public authority") disclosed some information but refused to provide the rest, citing regulation 13 (personal data).
2. The Commissioner's decision is that the public authority correctly withheld the information it did under regulation 13 as to disclose it would breach the data protection principles.
3. The Commissioner does not require further steps.

Request and response

4. The complainant submitted a request for information on 25 June 2024:
"My enquiry relates to Countryside Stewardship options. I would like to know;

1) How many agreements have been entered into for supplementary item BE7, Supplement for the restorative pruning of fruit trees, in the last five years or since the Supplement was implemented, whichever is shorter.

- 2) In each agreement for BE7 which main option was the supplement attached to, BE3 Management of Hedgerows or BE4 Management of Traditional Orchards.
- 3) In the case where the answer to 2) is BE4 Management of Traditional Orchards please provide the Priority Habitat Inventory - Traditional Orchards, Unique ID (2023), grid reference, and Incremental ID (HD ver 2.6)"
5. The public authority responded on 11 July 2024. It disclosed information in response to parts 1 and 2 of the request and denied holding any information in response to part 3, citing regulation 12(4)(a) (information not held).
6. The complainant requested an internal review on 14 July 2024, disputing the position that information wasn't held in relation to part 3.
7. According to the complainant, they agreed to submit a refined request in lieu of an internal review outcome.
8. The complainant submitted their refined request on 22 July 2024:
- "My enquiry relates to Countryside Stewardship options. Please provide me with the map location of all awards for Countryside Stewardship, option BE4 Management of Traditional Orchards where the award has option BE7 Supplement for the restorative pruning of fruit trees has been attached.
- I would like the information in the format OS Sheet Number, Parcel Number XXXXXX. XXXX
- For the avoidance of doubt, this is the format that the location data is recorded by you in the RPA application and offer documents. I would like the data set out per year for the years 2020, 2021, 2022, 2023, 2024."
9. The public authority responded on 8 August and refused the request under regulation 12(4)(b).
10. The complainant requested an internal review request for this second, refined request on 14 August 2024.
11. The public authority provided the outcome to its internal review on 10 October 2024. It withdrew its reliance on regulation 12(4)(b). It disclosed information but confirmed it was withholding information under regulation 13 (personal data).

Scope

12. The complainant contacted the Commissioner on 11 October 2024, to complain about the way that their request had been handled, specifically, that information had been withheld under regulation 13.
13. The Commissioner considers the scope of his investigation to be to determine whether the public authority was correct to withhold the information it did under regulation 13.

Reasons for decision

Regulation 13 – personal information

14. This decision concerns regulation 13, which is the EIR equivalent of section 40(2) (personal information) of FOIA.
15. Further details about section 40(2) can be found below in the Commissioner's decision notice support materials:

[Decision notice support materials | ICO](#)

16. The concept of regulation 13 is exactly the same as section 40(2) as are the criteria for whether the exception is engaged.
17. The first step for the Commissioner is to determine whether the information being withheld is the personal data of anyone other than the requestor.
18. Personal data is defined by section 3(2) of the DPA18 is:

 "any information relating to an identified or identifiable living individual".
19. An individual can be identified either directly or indirectly, and information will relate to a person if it's about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
20. As mentioned in paragraph 11, the public authority has disclosed information in response to the request. It disclosed 58 parcel grid reference numbers because these reference numbers relate to parcels of land belonging to Private Limited Companies and Charitable Incorporated Organisations, not individuals. However, it maintains that the remainder of the parcel grid reference numbers represent personal data.

21. The public authority explained that:

"Although these grid references may not directly or indirectly identify a data subject in isolation, when combined with associated identifiers and contextual information, they relate to identifiable individuals.

Specifically, they are inextricably linked to the data subjects' land management activities, claims for payment, and the locations of their private business or residential properties."

22. The complainant is concerned that if identification is only possible through publicly available sources, then those sources—not the public authority's disclosure—are the reason individuals can be identified.

23. The Commissioner acknowledges that the withheld information is reference numbers which, just considered in isolation, can't identify any individuals.

24. However, what the public authority is referring to is the 'jigsaw effect.' This is where information might not identify an individual if considered in isolation, but can lead to the identification of an individual, or a data subject, **if combined** with other information.

25. The public authority has gone on to explain that:

"While general grid reference data may be publicly accessible through services such as [Grid Reference Finder](#) or [Magic Maps](#), these are only approximate grid reference information.

The parcel grid reference numbers held by the Rural Payments Agency (RPA) are specific identifiers that pinpoint the exact geographic location data of individual land parcels used in the processing of claims for payment. These references are obtained from our mapping systems and are used to verify eligibility for funding or scheme participation."

26. It's gone onto explain that the parcel reference numbers that are being withheld, which aren't in the public domain, are only accessible to the relevant data subjects via secure login in the public authority's online portal. If it disclosed the withheld information, it would make all parcel reference numbers public, and allow anyone to input it into the portal and view the associated map.

27. The public authority has explained the difference between the maps that are available on its own portal and the maps that are available via the publicly available sources above:

"We have attached a map that identifies the location of one of the land parcels using the full land parcel grid reference number. We have also

enclosed a separate map detailing the view using the redacted parcel grid reference number at 10km².

It is evident from the parcel level view that the location is adjacent to a residential address, whereas at the 10km² view, the precise location of the parcel is not identifiable.”

28. The Commissioner requested an example of the two maps, so he could verify this for himself which he has done.
29. The Commissioner is satisfied that, without disclosure of the withheld information, claimants for countryside stewardship are only able to view parcel grid reference numbers for land parcels linked to their own business. However, disclosure of the withheld information would allow claimants to access detailed maps, which correspond to residential addresses.
30. The public authority has also explained that its portal links these maps to their Single Business Identifier number (used for the purposes of making a claim under the schemes the public authority administers) and County Parish Holding numbers (to comply with the rules on recording and reporting livestock registrations and movements).
31. Whilst on their own, the withheld parcel grid reference numbers don't identify individuals, when combined with the public authority's portal, it would identify residential address. The Commissioner is satisfied that the requested information is personal data.
32. Just because information is personal data, it doesn't mean it can automatically be withheld under the EIR. For personal information to be withheld under the EIR, its disclosure must contravene any of the data protection principles.
33. There's a general legitimate interest being pursued here; disclosure of the requested information would shed light on the allocation of public funds and provide the public with access to information which would aid in the understanding of the countryside stewardship scheme.
34. There's also a private legitimate interest being pursued by the complainant; the public authority has explained that the complainant applied for funding under the countryside stewardship scheme but their application was rejected. Disclosure of the requested information would allow the complainant to scrutinise this decision further.
35. The Commissioner must now consider whether disclosure is necessary to meet the legitimate interest that this request represents.

36. The public authority believes the MAGIC maps referred to in paragraph 28 and the 58 parcel grid reference numbers disclosed in response to the request 'help the requester to understand how the requested options under the Countryside Stewardship scheme have been allocated.'
37. The Commissioner believes this would go a long way to meeting the general legitimate interest in the request. However, the complainant doesn't represent a business as referred to in paragraph 23, they're an individual. The only direct comparable that the complainant can make would be with the withheld information. Since this information isn't publicly available, disclosure of the withheld information is necessary to meet the private legitimate interest being pursued here.
38. Therefore, the Commissioner has gone onto consider the balancing test. In performing the balancing test, the following should be taken into account:
- the potential harm or distress that disclosure may cause;
 - whether the information is already in the public domain;
 - whether the information is already known to some individuals;
 - whether the individual expressed concern to the disclosure; and
 - the reasonable expectations of the data subject(s).
39. The Commissioner agrees with the public authority when it says:
- "We believe that further disclosure would adversely affect the data subjects due to the identification of their private residential addresses which are often located next to or around parcels claimed under our schemes.
- Claimants under the Countryside Stewardship scheme would have a reasonable expectation that their personal data would not be disclosed to the wider world in response to an EIR request. Disclosing this information would, therefore, be unexpected, intrusive and may cause them distress."
40. Disclosure under the EIR is disclosure to the world at large. When applying for funding under the countryside stewardship scheme, applicants will have a reasonable expectation that their personal data would be used for the purpose of assessing their application only and would not expect this information, which is likely to be their private, residential address, to be disclosed at large in response to an EIR request.

41. The Commissioner has determined that there is insufficient legitimate interest to outweigh the relevant data subjects' fundamental rights and freedoms.
42. The Commissioner therefore considers that disclosing the information in question would contravene a data protection principle as it would not be lawful. Therefore, he has decided that the data is exempt under regulation 13(1) by virtue of 13(2A)(a) and so the public authority was correct to withhold this information.

Right of appeal

43. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

44. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
45. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Alice Gradwell
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Water Lane
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