



Department
for Environment
Food & Rural Affairs

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[redacted]

[redacted]

By email only: [redacted]

Your ref:

Our ref: RFI 6109

Date: 14 February 2014

Dear [redacted]

**REQUEST FOR INFORMATION: COPIES OF CORRESPONDENCE BETWEEN DEFRA
AND THIRD PARTIES ON UK COMPLIANCE WITH THE EC ZOOS DIRECTIVE**

I wrote to you on 16 January to say that, under section 10(3) of the Freedom of Information Act (FOIA), we needed an additional 20 days in which to consider the release of further information to you under your request which was as follows:

"Any correspondence between your department, the European Commission and /or any other third party (and including internal correspondence within your department) with regard to the UK's compliance with the EC Zoos Directive.

I would like any information which relates to the period April 2012 - November 2013."

In keeping with the spirit and effect of the FOIA all information is assumed to be releasable to the public unless exempt and this has been our starting point in looking at your request. We have now considered the additional information and can confirm that Defra holds five further documents that fall within the scope of your request.

Following careful consideration, we have decided to release two of these documents to you which I have attached. The information is a submission which was sent to Lord Taylor on 5 April 2012 informing him about the release of the CAPS' report "A Licence to Suffer". The second is a copy of the minutes of the Zoos Expert Committee meeting of 17 May mentioned in the submission. Some of the information in the submission has been redacted because it is either not relevant to your question or is personal information as defined by the Data Protection Act 1998. Exemption 40(2) of the FOIA allows us to redact the names, contact details and signatures of private individuals and employees of Defra.

We have withheld three documents on the basis of the exemption relating to section 35 of the FOIA regarding formulation of government policy. In applying this exemption, we have



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had to balance the public interest in withholding the information against the public interest in disclosure. Whilst Defra believes in openness it has a duty to prevent harm from the publication of documents. In particular, advice should be broad based and there might be a deterrent effect on those providing advice or alternative suggestions to policy development because it might be disclosed.

In keeping with the spirit and effect of the FOIA, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you. I also attach 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

[redacted]

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) 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.

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 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.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 for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

