



Animal &
Plant Health
Agency

Animal and Plant Health Agency
Access to Information Team
Woodham Lane
New Haw
Addlestone
Surrey
KT15 3NB

F 01932 357608

www.gov.uk/apha

Our Ref: ATIC1507

[REDACTED]
{By Email}

22 November 2018

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information on live animal exports which we received on 29 October 2018. Your request has been handled under the Freedom of Information Act 2000 (FOI).

The information you requested and our response is detailed below:

1. The completed and returned Journey Logs for the following Livestock Transporters for Wednesday 03 October 2018.

A. Tractor BT-JD-75 Trailer OK-16-YN

B. Tractor ? Trailer OF-68-RN

C. Tractor ? Trailer OB-29-JS

[Please find enclosed requested Journey Logs at Appendix 1-3](#)

I am requesting an update and confirmation of the Tractors used on leaving the UK and following the APHA Portal Inspection , together with confirmation of the Drivers recorded at the APHA loading inspection and APHA portal inspection against the Drivers shown on the Returned JL at final destination.

[The information on the tractor units has not been listed on the Journey Logs by the transporters. The only information held on record by APHA on the tractor units can be found on the WIT32 and WIT59 documents supplied to you in ATIC1481.](#)

And whether all changes to the drivers and tractors used departing the UK conform to those recorded at destination on the returned JI's following the UK APHA export inspections . I am aware that a fourth Tractor and Trailer (BN-HX-63) (Trailer OD-39-DD) arrived from France on the inbound Joline Barge WED 03 October and

unhitched its trailer on the dockside at Ramsgate before coupling with another trailer(OF-68_RN). It appears that the original tractor from UK loading point (BN-GV-01) remained in the UK following the Portal Inspection at Ramsgate, but that its Driver swapped from that vehicle to tractor BT-JD-75. BZ-HX-63 coupled with trailer OB-29-JS. BT-JD-75 remained coupled to OK-16-YN but as already indicated changed drivers after the Ramsgate portal inspection by APHA.

The tractor unit and driver arriving inbound on the Joline appeared therefore not to have passed any of the APHA checks from loading at UK loading location up to and including the APHA Portal checks at Ramsgate Port . Completing their various swaps of tractor units and drivers after all APHA Portal checks had been completed . So presumably there is an explanation as to how this occurred and what information is contained on the returned Journey Logs?

All of the returned journey logs show that there was driver changes.

Against the original JL's as approved and against all completed APHA loading inspection and Portal UK exit checks. As one of the original Drivers and tractor units loading in the UK was swapped for this Fourth Tractor unit and driver newly arrived from France? It has not been confirmed what was in the Trailer unit (OD-39 - DD) that arrived inbound on Joline and which subsequently drove off into the UK using Tractor unit BN-GV- 01.

No animals were on the vehicle arriving into the port of Ramsgate.

By submission of this FOI I am also requesting some explanation of this Fourth Tractor and trailer unit and its arrival from France , its swap and use outbound together with its Driver and his integration into the export schedule, at a time after all APHA portal checks had been completed ?? Was he/she fully licensed and their relevant details and signature recorded at any stage by APHA during any part of the loading and portal inspection by APHA. And what appears on the returned JL's The amendments/swaps that appear to have taken place or the original details as approved and verified at that JL approval time by APHA , or during their export Inspections of the JL, or APHA Inspections of documentation within the UK?

From the returned journey logs, the trailers arriving at the point of destination match those at the place(s) of loading as inspected by APHA staff.

Information has been redacted under Section 38(1), Section 40(2), read in conjunction with 40(3)(a)(i) of the Freedom of Information Act (2000).

Section 38

Section 38(1) refers to the exemption from the duty to provide information if it would, or would be likely to affect anyone's health or safety.

The exemption in Section 38(1) is subject to a Public Interest Test to ensure it is being appropriately applied.

Public Interest Test

We recognise that there is a general presumption in favour of transparency and openness concerning our work, and providing the general public with the right to request access to information held by public authorities.

We also recognise that there is a public interest in disclosure of this specific information in order to increase this transparency and aid well-informed debates concerning the welfare and transportation of animals, and the individuals associated with them.

However, we feel that there is a stronger public interest in withholding the information as the full addresses, including the county of origin, the destination and/or rest stops, transporter details and individual names would identify further information and would, or would be likely to, endanger the health and safety of individuals and staff. This poses a substantial risk to the health and safety of individuals associated with the transportation of animals that would be of significant severity and is likely to occur in some cases. We consider this to be a significant factor in favour of maintaining the exemption.

APHA has balanced the real threat to the health and safety of individuals which disclosure of the requested information would be likely to cause, against the public interest arguments in favour of disclosure. In this instance the APHA does not consider that disclosing the information requested in order to inform public debate and to promote accountability and transparency would justify the risk to individuals' health and safety.

Section 40

Some of the information contained within the requested documents have been withheld under section 40(2), read in conjunction with 40(3)(a)(i) (third party personal data), of the FOIA as the information constitutes personal data relating to a third party. Section 40(2), read in conjunction with 40(3)(a)(i), of the FOIA provides that personal data relating to

third parties is exempt information if disclosure would breach the Data Protection Act 1998 (DPA).

APHA consider that disclosure of this information is likely to breach the first data protection principle in Schedule 1 of the DPA, which relates to the fair and lawful processing of personal data, in two ways. First, disclosure would not constitute 'fair' processing of the personal data, second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 to the DPA. Therefore, we have concluded that this information is exempt from disclosure under section 40 of the FOIA.

Information disclosed in response to this FOI request is releasable to the public. In keeping with the spirit and effect of the FOI and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on 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.

I attach an Annex which explains the copyright that applies to the information being released to you and contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the Access to Information Team at the email address below or postal address at the top of this letter.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gsi.gov.uk

Annex

Copyright

The information supplied to you is Crown copyright, unless otherwise stated, and is protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including for the purposes of news reporting. You can find details on the arrangements for re-using Crown copyright information at:

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Complaints

If you are unhappy with the result of your request for information you may request an internal review within 40 working days of the date of this letter.

If you wish to request an internal review, please contact: The Access to Information Team at enquiries@apha.gsi.gov.uk or at the postal address at the top of this letter, who will arrange for an internal review of your case.

If you are not content with the outcome of the internal review, you have 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 APHA's own complaints procedure. The Information Commissioner can be contacted at:

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