



Department
for Environment
Food & Rural Affairs

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[REDACTED]
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Your ref:
Our ref: RFI 6703
Date: 22nd July 2014

Dear [REDACTED]

REQUEST FOR INFORMATION: Cage Traps used for Badger Culls

Thank you for your request for information about cage traps used for badger culls, which we received on 3 July. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Your questions are below.

I should be grateful if Defra could do adequate and properly directed searches in order to confirm

- (a) that all cages used in both pilot culls (including the extended periods) were purchased by Defra,**
- (b) if any cages were purchased by the NFU or culling companies**
- (c) if any of the cages were purchased by the NFU or culling companies which were then reimbursed by Defra and if so what these costs were.**

Defra purchased and provided cages for use in the pilot culls. Other cages used in the pilots were provided by NFU from their own stock. Defra does not hold any information on the numbers purchased by NFU or when they were purchased and the costs. Defra does not hold information on how many of the NFU's cage traps were used during the pilot culls.



Therefore Regulation 12(4)(a), information not held at the time of the request, applies. The NFU have not asked for any costs related to cage traps used for culling to be reimbursed.

The Regulation and Public Interest Test

Regulation 12(4)(a) relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the Information Commissioner's view, Defra has not conducted a public interest test in this case.

I attach an annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact us.

Yours sincerely

Defra TB Programme

Email: ccu.correspondence@defra.gsi.gov.uk

Annex

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