



Department
for Environment
Food & Rural Affairs

helpline@defra.gsi.gov.uk
www.defra.gov.uk

[redacted]

Our ref: RFI 6233
Date: 20 February 2014

Dear [redacted]

REQUEST FOR INFORMATION: Information relating to the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 – February 2013 to 29th January 2014

Thank you for your request for information about any licences applied for, issued or refused under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 for the period between February 2013 and 29th January 2014 which we received on 29th January. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA).

Information is reasonably accessible

Most of the information that you have requested is already available from <https://www.gov.uk/government/publications/circus-inspection-reports>

Four inspection reports, including corresponding paperwork, for Peter Jolly's Circus and Circus Mondao have been published in response to a previous FOIA request. I can confirm that, to date, only these two circuses have applied for, and been granted, a licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012. As this information is reasonably accessible to you by other means, it is exempt from disclosure under section 21 of the FOIA. This part of your request has therefore been refused.

Information is disclosed

I enclose copies of the following information you requested:



- An inspection report for Peter Jolly's Circus for a planned announced inspection undertaken on 25 October (which concluded on 2 November due to weather conditions). This information was previously withheld as it fell under the exemption in section 36 of the FOIA which relates to prejudicing the conduct of public affairs. Section 36 concerns information where disclosure would, or would be likely to, inhibit the free and frank provision of advice or exchange of views, or otherwise prejudice the effective conduct of public affairs. As the inspection report's use in deciding the status of a licence has now ended, this exemption no longer applies.
- A copy of the application received on 28th January 2014 from Circus Mondao for a new licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012.
- Copies of the licences granted to Circus Mondao and Peter Jolly's Circus on 13th March 2013.

Certain information in the above documents has been redacted under section 38 Health and Safety, section 40 Personal Information and section 43 subsection (2) Commercial Information of the FOIA.

Section 38 applies to information that if disclosed would be likely to put the physical or mental health, or the safety, of any individual at risk or greater risk. Individuals associated with the circus licensing regime have previously been subject to threats, and the release of further identifying information could increase their risk.

The information which falls under this exemption includes, but is not restricted to:

- Personal contact details of circus operators
- The list of authorised persons
- The details of the lead vet
- The name of the circus inspector

Section 40 concerns personal data within the meaning of the Data Protection Act 1998 (DPA). Inspection reports and licence paperwork contains personal information about licensed circuses. Disclosure would breach the first data protection principle in the DPA, the requirement for personal data to be fairly and lawfully processed, because licensees and inspectors would have the legitimate expectation for their personal data to remain confidential.

The information which falls under this exemption includes, but is not restricted to:

- Personal contact details of circus operators
- The list of authorised persons
- The details of the lead vet
- The name of the circus inspector

Section 43 (2) concerns data, disclosure of which would be likely to prejudice the commercial interests of any person. Information has been supplied in the belief that this potentially commercially and financially sensitive information will not be placed in the public domain.

Information release has the potential to have a detrimental impact on businesses' commercial revenue, and could threaten their ability to obtain supplies. It could also weaken circuses' position in a competitive environment, by revealing market-sensitive information, or information of potential usefulness to competitors.

The information which falls under this exemption includes, but is not restricted to:

- Future dates and locations from the tour itinerary

Information is not held

The information that you have requested about the correspondence or other documentation relating to the grant or refusal of other licences is not held. As above, I can confirm that no other licences have been granted or refused.

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 together with any related information that will provide a key to its wider context. 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 us.

Yours sincerely

Circus Animal Legislation Team

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 or logos) 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