



Department
for Environment
Food & Rural Affairs

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

Our ref: RFI 5835
Date: 18th October 2013

Dear [REDACTED]

REQUEST FOR INFORMATION: Badger Cull Numbers

Thank you for your request for information about the pilot badger cull, which we received on 22 September. 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(1) 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). The answers to your questions are below.

1. Details of the number of badgers killed within each trial area for each day of the trial and the specific locations in which they have been killed by day.

The number of badgers killed in Somerset and Gloucestershire during the 6 week cull period are 850 and 708 respectively. This does not include the number culled during the extension period granted by a new licence to the Somerset cull companies. At the time of writing, Natural England is considering an application for an extension from the cull company in Gloucestershire.

Defra does not hold information on the specific locations where badgers have been shot on a daily basis. Therefore, the information is exempt under regulation 12(4)(a) of the EIRs, being 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.

2. Details of test results identifying which of these badgers have been identified as



being infected with TB by date and location in which they have been shot.

This information is not available as badger carcasses have not been tested for TB during the pilot culls. The level of TB in badgers was investigated during the Randomised Badger Culling Trial (RBCT) which demonstrated the prevalence of the disease in areas of high TB incidence.

3. Details of the number of shots which have been discharged but which have not resulted in a badger kill by location and date.

This information is being collated by the culling companies and will be submitted to Natural England in due course as part of the requirements and conditions of their licences.

The information is therefore exempt under regulation 12(4)(a) of the EIRs (information which is not held at the time when a request is received) and 12(4)(d) (material which is still in the course of completion or incomplete data).

On regulation 12(4)(a), as a qualified exception and the need for a public interest test, please see above.

Regulation 12(4)(d) (material in course of completion/incomplete data) also applies.

Currently the data are still being collated and audited. There would be no public interest in disclosing incomplete or incorrect data as this would not meet the purpose of your request which is to ascertain the number of shots taken where a badger kill has not occurred.

Again this exception requires the public authority in question to carry out a public interest test. Defra has concluded that the public interest in withholding the information sought outweighs the public interest in its disclosure. By way of background, Defra has publicly committed¹ on numerous occasions to announcing that a report on the culls, including information on shooting will be published by February 2014 together with the report of an independent expert panel which will be submitted to Ministers.. There is a strong public interest in deferring disclosure of the information until it is complete, rather than in releasing only fragments which could potentially mislead the public.

Defra recognises the strength of feeling around the badger control policy. However, in light of the argument above, Defra has concluded that, at this stage, when the information is incomplete, the public interest in withholding the information sought outweighs the public interest in its disclosure.

However, under our duty to advise and assist applicants in pursuance of regulation 9, I can confirm that to the best of our knowledge the information is not held by another public authority.

¹ <http://transparency.number10.gov.uk/business-plan/10/35>

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 me.

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