



Department
for Environment
Food & Rural Affairs

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

[REDACTED]
[REDACTED]

Our ref: RFI 5774
Date: 04/10/2013

Dear [REDACTED],

REQUEST FOR INFORMATION: Monitoring Pilot Badger Culls

Thank you for your request for information about monitoring pilot badger culls, which we received on 6th 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 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).

Following careful consideration, we have decided not to disclose some of this information.

The questions you asked and the responses are listed below. The exception that has been applied to a number of the answers is regulation 12(5)(a) which relates to international relations, defence, national security or public safety.

Q1. Who is present at each and every cull site on every occasion whilst the killing of badgers is occurring?

This information is being withheld under regulation 12(5)(a).

Q2. Who or which organisation/s is on the independent panel that is not part of Government that is meant to be monitoring each cull site to ensure right practice? Are they legally bound to be present for the full duration that culling is taking place?

The Independent Expert Panel is made up of individuals who are not associated with Government. Further information on the panel and its work can be found at:

<https://www.gov.uk/government/policy-advisory-groups/badger-culling-pilots-independent-expert-panel>

Panel members are not present at cull sites. They will review the results of the pilots and prepare their own report which will be passed to Ministers early in the New Year.

Q3. Who or what organisation/s is present to ensure humane and compassionate culling standards and is someone of this standing present at every single cull site on every occasion throughout the duration of each event?

The information is being withheld under regulation 12(5)(a).

Q4. Are the police present at each and every cull event in situ with the cull team? What role are the police playing by their presence at each cull site? Please explain why they are present.

The information is being withheld under regulation 12(5)(a).

Q5. What role is Natural England playing by their presence at each cull site? Is Natural England present at all cull sites at all times whilst the cull is happening?

This information is being withheld under regulation 12(5)(a).

Q6. What measures would be taken if malpractice or inappropriate culling took place and have any such events occurred in West Somerset or Gloucestershire?

If marksmen fail to comply with the terms of the licence, they will receive a warning. If their actions are sufficiently serious, they may be removed from the licence and be unable to continue shooting. No such events have occurred.

Q7. Please disclose whether the RSPCA or other welfare charity have been granted permission to be present at any cull event and if not why not.

No, the RSPCA or other charities have not attended any culling events. As mentioned at question 3, humaneness is already being monitored.

Regulation 12(5)(a)

Information requested in questions 1, 3, 4, 5 and 7 was withheld as disclosure would identify the agencies involved in the pilots, the level of individual agency involvement and

would lead to the identification of individual operatives. It would also place members of the public at risk, for example from acts of sabotage or interference with operations.

Defra takes the view that the release of any operational information relating to the badger control pilots also increases the risk to public safety and potentially undermines the security of the operations. This includes increased exposure to danger of those carrying out badger control operations, including monitors. Field operatives have already been exposed to harassment and intimidation and threats have been made against their families. Therefore security is of paramount importance.

Public Interest Test

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise that there is a strong public interest in disclosure of information concerning field operations, monitoring and the assessment of humaneness and efficacy in the pilot culls. As a result the report on field operations, post mortems and the results will be published early next year. The Expert Panel will also publish their findings at the same time.

Whilst Defra recognises the presumption of openness and transparency in relation to environmental information and the strength of feeling around information relating to the badger control pilots, the public interest of protecting the safety of those involved in the badger controls outweighs the public interest in the release of the information. Disclosure of this information now would not be in the public interest, because it is never in the public interest to endanger the safety of individuals.

The collection of robust data is necessary in order for Defra Ministers to make a fully informed decision on a later roll-out of the policy. Any adverse effect on monitoring and data gathering will therefore adversely affect the decision-making process and any implementation of the Government's policy for controlling the spread of TB in the wildlife reservoir, and will consequently adversely affect the protection of the environment. As a result information on monitoring, data collection and other field operations has been withheld.

In keeping with the spirit and effect of the EIRs, 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 have attached 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