



Department
for Environment
Food & Rural Affairs

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

Our ref: RFI 5799

Date: 10/10/2013

Dear [REDACTED],

REQUEST FOR INFORMATION:

Thank you for your request for information about the publication of datasets from research project SE3129 (The Badger Survey of England and Wales), which we received on 12/09/2013. 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).

I am writing to inform you that Defra has yet to receive the results of project SE3129. We expect to receive results of the work to produce estimates of the number of badger social groups in 2011-2013; and to assess change in the number of social groups since the 1980s and the 1990s in the near future, once the contractors have the outcome of peer review of their work. We are intending to publish these results following receipt. The results on work on estimates of badger populations are not expected until next year.

Regulation 12(4)(a) of the EIRs allows a public authority to refuse to disclose information to the extent that it does not hold that information when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which generally (that is to say, in the case of any other similarly qualified exception) means that a public authority is required to consider the balance of public interest to determine whether or not information should be disclosed or withheld. However, consideration of the balance of public interest would serve no useful purpose in cases where the information is any event not held. (This is also the view of the Information Commissioner, who is the independent regulator for requests made under the EIRs). Defra has not, therefore, considered the balance of public interest in this case.

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

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

Yours,

Defra TB Programme

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