



Department
for Environment
Food & Rural Affairs

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

[REDACTED]
[REDACTED]

Our ref: RFI 6007
Date: 20 December 2013

Dear [REDACTED],

REQUEST FOR INFORMATION: NFU Correspondence

Thank you for your request for information about correspondence between the NFU and Defra in: (i) the six months before the announcement of the pilot culls; and (ii) between announcement and commencement of the pilot culls. We received your request on 14 November, which we have considered 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) and they require us to provide advice and assistance to help people obtain the information they are looking for, which we have attempted to do in this case.

Your request is very broad and covers a large amount of information. Gathering it together would therefore involve a significant cost and diversion of resources from the Department's other work. By virtue of regulations 12(1) and 12(4)(b) of the EIRs, Defra may refuse to disclose environmental information if the request for the information is manifestly unreasonable and, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

In this case, information on communications between Defra and the NFU between September 2012 and September 2013 is being withheld as it falls under the exception in Regulation 12 (4)(b) of the EIRs, under which a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable. This request would create unreasonable costs and an unreasonable diversion of resources.

The EIRs do not define a 'reasonable' amount of time or money that a public authority should spend on a request. However, the Information Commissioner notes that cost may be relevant when considering whether to apply exceptions relating to 'manifestly

unreasonable.' The cost limit set by Parliament for complying with requests under the FOIA is £600 for central Government. We estimate that complying with your request would incur total costs over the indicative limit under the FOIA. The activities above fall under the categories set out in regulation 4(3) of the Fees Regulations under the FOIA.

Under the EIRs, all exceptions are subject to the application of a public interest test. In applying this exception, we have balanced the public interest in withholding the information against the public interest in disclosure. Whilst Defra believes in openness and transparency, it has a duty to be both accountable and transparent in the effective and wise spending of public money. It is clear that the cost equivalent of providing the information would place a substantial burden on us.

We recognise that there is a public interest in disclosure of information concerning badger control for reasons of transparency. To this end, a large amount of material relating to this issue has already been placed and will continue to be placed in the public domain, on the Defra and Natural England websites.

Defra considers that the balance of public interest in this case is in favour of withholding this information

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