



Department
for Environment
Food & Rural Affairs

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

[REDACTED]
[REDACTED]

Our ref: RFI 5918
Date: 7th November 2013

Dear [REDACTED],

REQUEST FOR INFORMATION: Culled badger numbers and TB incidence

Thank you for your request for information about culled badger numbers and the incidence of TB in carcasses, which we received on 17th October. 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 enclose details of the information you requested below:

Question 1: What is the total number of badgers that were killed during the first phase of the cull?

The total number of badgers removed during the initial pilot cull period of 6 weeks was 1,558: in West Somerset 850 badgers were removed and in West Gloucestershire the total was 708.

Please note that on 11 October, Natural England confirmed an extension of 3 weeks to culling operations in West Somerset which has now closed. An additional 90 badgers were culled during this period bringing the total to 940. On 23 October they confirmed an extension of 8 weeks to culling operations in West Gloucestershire; therefore, a final figure is not yet available.

Question 2: What are the dates between which these badgers were culled?

The initial cull in Somerset commenced on 27 August and ceased on 6 October. The cull began in Gloucestershire commenced on 3 September and ceased on 14 October.

Question 3: Of this total number of badgers that were culled in the pilot cull, how many badgers tested positive for TB?

and

Question 4: Which organisations performed the TB tests?

At the outset of the cull, badgers were not tested for TB. The reasoning behind this is that high levels of TB were confirmed in badgers in the regions in which the cull areas are located during the Randomised Badger Cull Trial (RBCT) and other research work carried out by independent scientists. A link to the report on the RBCT, which summarises the Trial's results and which contains an accompanying literature review, is below. Pages 72 to 77 will be of particular interest:

http://archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/tb/isg/report/final_report.pdf

I have also attached a link to an annex which was published as part of the 2010 consultation 'Bovine tuberculosis: the Government's approach to tackling the disease and consultation on a badger control policy'. The annex contains more information on badgers and TB:

<http://webarchive.nationalarchives.gov.uk/20110203030352/http://www.defra.gov.uk/corporate/consult/tb-control-measures/100915-tb-control-measures-annexa.pdf>

However, very recently, it has been decided to test carcasses for TB in a limited number of cases when a landowner requests it. It should be noted that, as highlighted above, testing for TB is not being undertaken on a routine basis, but only in rare cases. As post-mortems and testing have not been completed the numbers of badgers found to be carrying TB is not known at present. Government scientists are conducting the post-mortems and testing.

The information you requested is exempt under regulations 12(4)(a) of the EIRs, as being information which is not held at the time when an applicant's request is received and 12(4)(d) which relates to material which is still in the course of completion, unfinished documents or incomplete data.

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.

Regulation 12(4)(d) relates to material which is still in the course of completion or incomplete data, and applies to the data from the pilot culls and the extensions which are still in the course of completion. As a result the data are still being collected and collated. Disclosing the incomplete data would not meet the purpose of your request which is to ascertain the numbers of badgers shot in cages and the number of diseased badgers recovered during the cull.

The Public Interest Test:

Regulation 12(4)(d) requires the public authority in question to carry out a public interest test. There is a great deal of interest and strength of feeling around the badger control policy which includes identifying the numbers of badgers killed and their state of health. However, Defra has concluded that the public interest in withholding the information sought outweighs the public interest in its disclosure. Releasing information now before it has been finalised would only mislead and confuse the public. It is logical to wait and it is in the public interest to wait until all the information has been collected and summarised rather than release the information in a piecemeal fashion.

Defra has publicly committed¹ on numerous occasions to announcing that the report on the culls will be published by February 2014. This report will include data from the culls including post-mortem summaries. A report prepared by an independent expert panel reviewing the results from the cull will be published at the same time. This report will be submitted to Ministers to inform their decision on whether or not to roll-out culling across the country.

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 still incomplete, the public interest in withholding the information sought outweighs the public interest in its disclosure. Therefore, we have concluded that in all the circumstances of the case, the information should be 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 attach Annex A, which explains the copyright that applies to the information being released to you.

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

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 me.

Yours sincerely,

Defra TB Programme

Email: ccu.correspondence@defra.gsi.gov.uk

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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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