



Department  
for Environment  
Food & Rural Affairs

T:  
helpline@defra.gsi.gov.uk  
[www.defra.gov.uk](http://www.defra.gov.uk)

Our ref: RFI 5476  
Date: 19 June 2013

Dear [REDACTED],

## **REQUEST FOR INFORMATION: BADGER CONTROL PROJECT BOARD**

Thank you for your request for information about documents relating to the Badger Control Project Board, which we received on 26<sup>th</sup> April 2013. As you are aware, we have handled your request under the Environmental Information Regulations 2004 (EIRs). We wrote to you on 21<sup>st</sup> April advising you that the time limit for responding to your request for information under the EIRs needed to be extended.

The information you requested is being withheld under the exception in regulation 12(4)(d) in that its disclosure would adversely affect the confidentiality of a public authority's proceedings.

### Regulation 12(4)(d)

For this exception to be engaged a number of criteria must be met – these are discussed below:

#### *Proceedings*

The Badger Control Project Board (hereafter the “project board”) consists of formal meetings to consider matters within its jurisdiction. It therefore falls within the definition of ‘proceedings’ described by the exception.

#### *Provided by law*

The confidentiality of the proceedings of the project board is protected by a common law duty of confidence. The information is of a confidential nature and is not made accessible beyond Defra's policy team and the project board. There is also an implicit expectation



among the board that the information would not be made public, as is established practice for information of this nature.

*Adverse effect*

Disclosing information of this nature would harm the confidentiality of the proceedings of the project board. The government's thinking on its badger control policy would be impeded by disclosure, having an adverse affect on the proceedings.

Public Interest Test:

Defra is required to carry out the public interest test – between maintaining the exception and disclosing the information in question. In applying this test, Defra has considered the arguments for maintaining the exception and disclosing the information.

Defra recognises that there is a general public interest in the transparency and accountability of authorities' decision making on environmental matters. It also recognises that the Government's badger control policy attracts a large degree of public interest and that this may be used to add weight to the argument for transparency in this area.

However, Defra's position is as follows:

- There is a public interest in protecting the relationships between organisations engaging on a confidential basis, such as the project board.
- There is a need for a 'safe space' within which policy can be considered and delivered, away from external scrutiny and criticism.
- There is no overriding public interest argument for a breach of confidence in this instance. This is especially pertinent given that the project board is responsible for overseeing the delivery of the pilots in 2013, a process which is ongoing.

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](mailto: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](mailto: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