



Department  
for Environment  
Food & Rural Affairs

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

Our ref: RFI 6062  
Date: 16<sup>th</sup> December 2013

Dear [REDACTED],

**REQUEST FOR INFORMATION: COST OF THE PILOT BADGER CULLS**

Thank you for your request for information about the costs of the pilot badger culls, which we received on 3 December. 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).

Your question and the response are below:

**I would also be most grateful if you could tell me the cost of the horrible Badger cull so far, and the total estimated cost of the present HORRIBLE cull.**

The detailed costs of the pilot culls have yet to be established. Defra and its agencies incurred a variety of costs which are still being collated. As such, regulations 12(4)(a) (information not held at the time of the request) and 12(4)(d) (material still in the course of completion, unfinished documents or incomplete data) of the EIRs apply.

***The Regulations***

**Regulation 12(4)(a)** (information not held at the time of the request) 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 costs arising from the culls. Disclosing incomplete data would not meet the purpose of your request which is to ascertain the costs of the pilots..

***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 ascertaining its costs. 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 details on cull costs have been collected and summarised rather than release the information in a piecemeal fashion.

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.

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