



Department
for Environment
Food & Rural Affairs

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

[redacted]

Our ref: RFI 6041
Date: 18 December 2013

Dear [redacted]

REQUEST FOR INFORMATION: Information relating to inspection reports, paperwork and Care Plans received from various Circuses during 2013

Thank you for your request for information about inspection reports, paperwork and care plans received from various different circuses which we received on the 22nd November. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA)

Information is reasonably accessible

Some of the information that you have requested about the following circuses is available from <https://www.gov.uk/government/publications/application-forms-and-inspection-reports-circus-animal-licensing-2013>

- Peter Jolly's Circus
- Circus Mondao

Applications forms, including animal care plans, and the reports of the initial licensing inspections required before a licence could be issued, have been published in response to a previous FOIA request. As this information is reasonably accessible to you by other means, it is exempt from disclosure under section 21 of the FOIA. This part of your request has therefore been refused.

Information is disclosed

I enclose copies of the following information you requested:

- Two inspection reports for Circus Mondao for a planned unannounced inspection undertaken on 6 August and a planned announced inspection on 18 October. Also enclosed are the two letters from the Chair of the Defra licensing panel that



considered both inspection reports confirming the status of Circus Mondao's licence following the inspections. Enclosed is also the follow-up information from Circus Mondao requested in the letter from the Chair of licensing panel after the 18 October inspection.

- Two inspection reports for Peter Jolly's Circus for a planned unannounced inspection undertaken on 27 June and an announced additional inspection on 8 August. Also enclosed is the correspondence between Defra/AHVLA SSC and Peter Jolly's Circus following both inspections, including the final letters from the Chair of the Defra licensing panel that considered both inspection reports confirming the status of Peter Jolly's Circus' licence following the inspections.
- Care plans for Peter Jolly's Circus for the 6 big cats and 2 zebra that were added to the stock list of the circus during the touring season.

Certain information in the above documents has been redacted under section 38 Health and Safety and section 40 Personal Information of the FOIA.

Section 38 applies to information that if disclosed would be likely to put the physical or mental health, or the safety, of any individual at risk or greater risk. Individuals associated with the circus licensing regime have previously been subject to threats, and the release of further identifying information could increase their risk.

The information which falls under this exemption includes, but is not restricted to:

- The list of authorised persons
- The details of the lead vets
- The names of circus inspectors

Section 40 concerns personal data within the meaning of the Data Protection Act 1998 (DPA). Inspection reports and licence paperwork contains personal information about licensed circuses. Disclosure would breach the first data protection principle in the DPA, the requirement for personal data to be fairly and lawfully processed, because licensees and inspectors would have the legitimate expectation for their personal data to remain confidential.

The information which falls under this exemption includes, but is not restricted to:

- The list of authorised persons
- The details of the lead vets
- The names of circus inspectors

Information is withheld

A planned announced inspection of Peter Jolly's circus was undertaken on 25 October (which concluded on 2 November due to weather conditions). This information is currently being withheld as it falls under the exemption in section 36 of the FOIA which relates to prejudicing the conduct of public affairs. Section 36 concerns information where disclosure would, or would be likely to, inhibit the free and frank provision of advice or exchange of views, or otherwise prejudice the effective conduct of public affairs.

Authorization for the use of this exemption has been given by Lord de Mauley, as the relevant Minister and therefore 'qualified person' for Defra's work on circus animals policy. Lord de Mauley decided on 18 December that the application of the exemption was appropriate in this case.

In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise that there is a public interest in disclosure of information concerning the inspection reports of licensed circuses, and where an inspection report's use in deciding the status of a licence has been concluded then our policy is to usually release that report.

On the other hand, there is a strong public interest in withholding the information where the inspection report is still being used. Information contained within inspection reports is used to decide the status of licences. Its release could lead to external pressure on these decisions.

Therefore, we have concluded that in all the circumstances of the case, this information should currently be withheld.

Information is not held

The information that you have requested about the following circuses is not held by Defra:

- Great British Circus
- Circus Tyanna
- Zippos Circus
- Giffords Circus

Defra does not hold any inspection reports, paperwork pertaining to inspection visits or animal care plans for 2013 for these circuses. None of the above circuses applied to Defra under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 for a licence to use wild animals and we have received no information that any of the above circuses attempted to use a wild animal act during 2013 without a licence.

In keeping with the spirit and effect of the FOIA, 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.

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 us.

Yours sincerely

Circus Animal Legislation Team

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