



Department  
for Environment  
Food & Rural Affairs

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www.gov.uk/defra

██████████  
██████████

**Our ref:** RFI 6574, 6575  
**Date:** 03 June 2014

Dear ██████████

**REQUEST FOR INFORMATION: Reports and Recordings from the Pilot Badger Cull**

Thank you for your requests for information about daily reports and thermal imaging recordings from the pilot badger culls, which we received on 8 May. 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 questions and the responses are below.

**6574**

**I understand that daily reports were provided to Defra by observers from Natural England and AHVLA on the performance of cull contractors/operatives, which were intended to identify any concerns the observers may have had with respect to welfare impacts on targeted badgers, and compliance with license conditions. I also understand that the Chair of the Independent Expert Panel (IEP) convened to oversee and analyse the effectiveness and humaneness of the culling operations would be copied with any concerns identified.**

**Could you provide copies of these daily reports, and identify the nature and timing of concerns that were raised with the Chair of the IEP?**

The reports provided to Defra by AHVLA take the form of internal communications as they were only viewed by Defra personnel; therefore Regulation 12(4)(e), internal communications, applies. However the contents of the reports are summarised in the AHVLA report which was published on 3 April and can be found at the link below.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300388/humaneness-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300388/humaneness-report.pdf)

Defra did not receive any written daily reports from Natural England on monitoring compliance with licensing conditions during the pilot culls. We understand that you have received the in-house reports from Natural England last November and therefore you already have access to this information.

You should note that the aim of humaneness monitoring was to gather data to enable an assessment of the humaneness of the technique of controlled shooting and not to monitor the performance of individual marksmen.

You should also note that the Independent Expert Panel did not receive any data from the pilots until the six week culling period was completed and the AHVLA report had been prepared. This was as agreed in the panel's Terms of Reference. The panel did not participate in any monitoring during the pilots as their role was to review the data contained in the official AHVLA report and reach their conclusions on humaneness, effectiveness and safety. The IEP did not see any data from the extended culling period as they had decided that data from the first six weeks was sufficient for their needs, as agreed with the panel's Chair.

### **6575**

**The report by the Independent Expert Panel on the pilot badger culls, states that: "Observers accompanied 106 Contractors, from the total of 130 available, into the field on 218 occasions. The behaviour of 88 badgers, during controlled shooting by 57 different Contractors using rifles, was observed and recorded using thermal imaging equipment."**

**Can you provide copies of the recordings made using thermal imaging equipment?**

The thermal images are being withheld under Regulations 12(4)(e), internal communications and 12(5)(c), intellectual property. The thermal images were taken solely for the purposes of assisting AHVLA personnel in the preparation of their report on the humaneness of controlled shooting. As with the daily reports, the images were never expected to be released and they have not been communicated beyond AHVLA. However, the observations are discussed in substantial detail in the humaneness report referred to above in the answer to question 6574. The IEP did not view the recordings; they felt that the contents of the AHVLA report were sufficient for their needs in their assessment of the monitoring of the humaneness of controlled shooting.

It is unlikely that such detailed observation of shooting free running animals has taken place previously. Therefore the data set held by AHVLA has a great deal of value as intellectual property. There has been discussion about the data being used for peer reviewed publications. There is a substantial amount of time, effort and cost which has

been invested in the pilot culls. This has included collecting data in the field prior to and during the pilots together with gathering the necessary manpower and other resources together to carry out monitoring.

### **The Regulations and the Public Interest Test**

**Regulation 12(4)(e), internal communications:** the daily reports submitted by AHVLA were intended to inform Defra staff of events that had taken place on each night's operations and highlight any issues that may have occurred. They were not intended for publication and their content would not be immediately understandable to the lay reader. The intention behind freedom of information is to inform and clarify. Releasing the reports would not provide understandable information and in all likelihood would cause confusion or puzzlement. This is counter to the principles of freedom of information.

Similarly, the thermal images taken by field monitors during culling were intended to support the data analysis undertaken by AHVLA when preparing their humaneness report. Again it was never the intention to release them, but instead summarise them in the humaneness report which has been done. Releasing the images would be a duplication of information already in the public domain.

**Regulation 12(5)(c), intellectual property:** The pilot culls were a unique research procedure and little if any research in this area has been undertaken. It is intended that the information contained in the thermal images may be used in scientific papers which will be published in peer reviewed publications. However, as mentioned above, the content of the images is already discussed in great detail in the humaneness report. There is little purpose in releasing the images, when it is the analysis and conclusions from them which are the key items to consider.

Defra recognises the very strong feelings and views around the badger control policy - both for and against. However, in light of the comments above, that is that the information requested already appears in the published AHVLA humaneness report and its release would only confuse the public, there is no purpose in releasing the information requested. As mentioned above, the IEP deemed the data presented in the report sufficient for their own needs whilst preparing their report. 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