



Department  
for Environment  
Food & Rural Affairs

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

██████████  
██

**Our ref:** RFI 6224  
**Date:** 11 March 2014

Dear ██████████

**REQUEST FOR INFORMATION: Pilot Badger Cull Cages**

Thank you for your request for information about pilot badger cull cage numbers and costs, which we received on 27 January. 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. Following careful consideration, we have decided not to disclose some of this information.

**1) How many Badger Trap Cages owned/leased/hired/underwritten by the Government or any Government agency have been used in the Badger Cull Pilots in West Somerset & West Gloucestershire (including extensions) in 2013?**

Government procured a stockpile of 1,200 cage traps in 2013 to augment its existing stocks for a number of different purposes, including spare stocks for the pilot culls and for research projects. The actual number of cages used in the pilots is being withheld under regulation 12(5)(a), public safety.

**2) If the Government did supply NFU/Cull Companies with Badger trap cages how many were loaned/rented/sold/provided for use in each cull pilot area. Please provide breakdown of supply contract to Cull Companies/NFU including all costs to said companies/NFU. Geographical or personally identifying information is not required.**

Defra procured spare stocks of cage traps from a supplier that was identified through a restricted tendering process (sent directly to possible suppliers). Subsequent requests for cage traps were made direct to the winning supplier from the first tender. Cull costs are still being collated and will be published in due course. Therefore the information is withheld under regulation 12(4)(d), information in the course of completion.

**3) Please supply dates that requests for Government Owned/Sourced and/or underwritten Cages from the NFU/Cull Companies were made in 2013, and number of cages requested on each date.**

This information is withheld under regulation 12(5)(a)

**The Regulations and Public Interest Test**

**Regulation 12(4)(d)** relates to material which is still in the course of completion or incomplete data, and applies to the financial data which is still being collated and finalised. Disclosing the incomplete data would not meet the purpose of your request which is to establish cage trap costs.

**Regulation 12(5)(a)** relates to public safety. Disclosure of the numbers of cages used in the pilot culls together with details of their distribution would lead to the identification of ways of working and levels of culling activity. During the pilot culls, most anti-cull protestors would abide by the law, however some activists used any means available to them in an attempt to disrupt any culling activity which potentially placed members of the public at risk, for example from acts of sabotage or through interference with operations. The need for security applies as much to any potential cull roll-out as the pilots.

In applying these exceptions, we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise that there is a strong public interest in disclosure of information concerning the pilot culls and their costs. On the other hand, there is a strong public interest in withholding the information because it is still incomplete and its release could affect public safety.

Release of incomplete data is not compatible with the principles of freedom of information. A partial release of data collected during the cull would lead to inaccurate conclusions being reached which in turn would mislead anyone who views them. Data should be released in context, where a complete picture can be given, rather than in isolation. For this reason, cage costs are being withheld. Additionally, the release of the numbers and costs may influence future tenders supplied by cage manufacturers if further cages are required.

Defra takes the view that the release of any operational information relating to the badger control pilots, such as the distribution of cage traps, potentially undermines the security of any future operations and so increases the risk to public safety. As mentioned above, this

includes increased exposure to danger of those carrying out badger control operations as well as members of the public.

Whilst Defra recognises the presumption of openness and transparency in relation to environmental information and the strength of feeling around information relating to the badger control pilots, the public interest of protecting the safety of those involved in the badger controls outweighs the public interest in the release of the information. Disclosure of information on ways of working would not be in the public interest, because it is not in the public interest to endanger the safety of individuals.

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](http://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 have attached 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