



Department
for Environment
Food & Rural Affairs

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

[Redacted]

Our ref: RFI 6484

Date: 7 April 2014

Dear [Redacted]

REQUEST FOR INFORMATION: Information relating to any licences, inspection reports and documents relating to various members of the Chipperfield family and the licence renewal application from Peter Jolly's Circus for 2014

Thank you for your request for information about any licences, inspection reports and documents relating to various members of the Chipperfield family and the licence renewal application from Peter Jolly's Circus for 2014. We have handled your request under the Freedom of Information Act 2000 (FOIA) and I apologise for the delay in replying.

Information is disclosed

I enclose a copy of the following information you requested:

- A copy of the application received on 4th February 2014 from Peter Jolly's Circus for a new licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012.

Certain information in the above document has been redacted under section 38 Health and Safety, section 40 Personal Information and section 43 subsection (2) Commercial 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:

- Personal contact details of the circus operator
- The details of the lead vet



Section 40 concerns personal data within the meaning of the Data Protection Act 1998 (DPA). The application contains personal information. Disclosure would breach the first data protection principle in the DPA, the requirement for personal data to be fairly and lawfully processed, because a person 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:

- Personal contact details of the circus operator
- The details of the lead vet

Section 43 (2) concerns data, disclosure of which would be likely to prejudice the commercial interests of any person. Information has been supplied in the belief that this potentially commercially and financially sensitive information will not be placed in the public domain.

Information release has the potential to have a detrimental impact on businesses' commercial revenue, and could threaten their ability to obtain supplies. It could also weaken circuses' position in a competitive environment, by revealing market-sensitive information, or information of potential usefulness to competitors.

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

- Future locations from the tour itinerary

You have also asked for a clarification on winter quarter inspections. Before a licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 can be issued an inspection must be undertaken. Once licensed, a circus would usually be inspected at least two further times during the duration of the licence. At least one of these inspections will be announced and at least one of these inspections unannounced. This means that each licensed circus will be inspected at least three times a year. Over the course of these three inspections we try to ensure that there is at least one inspection at winter quarters (or equivalent 'home base') and at least one inspection whilst on-tour.

Information is not held

The information that you have requested (any licences, inspection reports and documents) for the following act or people is not held by Defra's Circus Animals Legislation Team:

- Chipperfields Big Cat Act
- Tommy Chipperfield
- Marilyn Chipperfield
- Thomas Chipperfield

However, some information may be held by other parts of Defra. We want to be as open as possible in answering requests. The FOIA itself also requires us to help people obtain the information they are looking for. Unfortunately, the request for any licences is very broad and could cover an enormous amount of information, potentially going back many years. Gathering it together would therefore involve a significant cost and diversion of resources from the Department's other work.

Section 12(1) of the FOIA allows us to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate limit, which currently stands at £600. On the basis of our estimates, we consider that the cost would exceed this limit and, as such, we are refusing this part of your request.

Section 12(2) provides that we are not required to confirm whether Defra holds the information requested if by doing so we would exceed the appropriate cost limit of £600. This is the case for the information that you have requested, and so please note that this response should not be taken as confirmation that the information is held by Defra.

However, if you were to make a new request for a narrower category of information, it may be that we could comply with that request within the appropriate limit, although I cannot guarantee that this will be the case.

The best way we can help you is to ask you to consider narrowing down your request to focus more clearly on the precise information you are seeking. You could, for example:

- specify a time period in your request (e.g. information from the last 5 years);
- explain more fully and precisely the licences you are looking for; or
- browse through the material that has already been made publicly available by Defra to see if this would help you identify more precise questions that we might be able to answer at less cost.

Please note that if you modify this part of your request, we will handle it as a new request and so the 20-working-day deadline for responding to requests would then commence from the date that we receive the modified request.

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.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

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