



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 7128
Date: 15 January 2015

REQUEST FOR INFORMATION: Information on Badger Culls

Thank you for your request for information, which we received on 19 December 2014, about badger culls. 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).

Following careful consideration, we have decided not to disclose some of this information.

Your questions and the responses are below.

1. How many of the badgers killed in each county tested positive for TB?

Badgers have not been routinely tested for TB during the culls in 2013 and 2014. The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received.

High levels of TB were confirmed in badgers in the regions in which the cull areas are located during the Randomised Badger Cull Trial (RBCT). This has been confirmed by other research work carried out by independent scientists. The report on the RBCT, which summarises the Trial's results and contains an accompanying literature review, is online: http://archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/tb/isg/report/final_report.pdf. In particular, please see pages 72 to 77.

2. What are the names of the companies involved in the killing?

And

3. How much have they been paid?

The names of the culling companies are being withheld under regulation 12(5)(a), which relates to public safety. The companies are not paid by Defra, therefore regulation 12(4)(a) of the EIRs (information not held at the time of the request) is applicable.

4. Is further killing of badgers planned? If so, when and where?

Licences for a minimum of four annual culls were issued to the culling companies in Somerset and Gloucestershire. Years 1 and 2 have been completed. Decisions on culling in other areas have not been made; therefore this information is not held and so regulation 12(4)(a) of the EIRs (information not held) is applicable.



The Regulations and the Public Interest Test

Regulation 12(4)(a) (information not held at the time of the request)

This 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(5)(a) (interests of public safety)

In applying this regulation we have had to balance the public interest in withholding the information against the public interest in disclosure. Disclosure of the names of the cull companies would inevitably lead to the intimidation, harassment and potential physical assault of personnel employed and contracted to perform their lawful duties. It is a matter of public record that people lawfully involved in the badger culling programme have experienced threats and harassment, even when only remotely linked to the culls. There are many instances of harassment and intimidation, some very severe; including during the 2013 and 2014 culls where activists targeted workers' homes. There were also instances where protestors placed themselves at risk to their health and safety by being in and moving through active cull areas.

In applying this exception, 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 relating to the badger culls. However, disclosure of the requested information would lead to an increased and unacceptable risk to the health and 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 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 me.

Yours sincerely,



Defra FOIA and EIRs Team

InformationRequests@defra.gsi.gov.uk

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) 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