



Department
for Environment
Food & Rural Affairs

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

Your ref:
Our ref: RFI 6989
Date: 5 December 2014

Dear [REDACTED]

REQUEST FOR INFORMATION: Badger Cull Cage Traps

Thank you for your request for information, which we received on 3 November, about cage traps used in the 2014 badger cull. We have handled your request under the Freedom of Information Act 2000 (FOIA). I apologise for the delay in responding.

Your questions and the responses are below.

Q1. Please tell me when the information asked for by [REDACTED] will be supplied and available for the public to read online.

The response to [REDACTED] was sent out on 3 October and will be published in due course on the relevant Defra web page. The response to the request can be found on the What Do They Know website at the link below:

<https://www.whatdotheyknow.com/request/223937/response/568937/attach/3/20141003%20Cage%20traps%20used%20in%20the%20Badger%20Culls%206803.pdf>

Q2. Defra appears to have deliberately or negligently misled MPs and the public about the government's direct involvement in financing and operationally assisting the killing of badgers by the culling companies / NFU (on the evidence of published answers to several Fol requests about the funding and supply of cage-traps for killing badgers in the pilot culls). Such misbehaviour is extremely serious because it undermines the executive's democratic accountability to parliament.

The official Defra line from before the badger cull started until the present day has always been that government would play no part (financially or operationally) in killing badgers or in funding the NFU / culling companies' activities in killing of badgers. The information I would now like Defra to supply is:-

- a. Given that the decision to supply the culling companies / NFU with free cage traps directly involved the government in subsidising the badger killing contrary to its public commitments and what it had told MPs, which ministers were consulted before it was made? Which minister(s) authorised the expenditure?



And

- b. **When (date) was the decision made to supply the Culling companies / NFU with free cage traps?**

And

- c. **When (dates) did the ministers (or Civil Servants) inform the Commons and all other interested parties (e.g. the House of Commons Library, the press etc) that the government was subsidising the killing of badgers by the culling companies / NFU? Whom did they inform? How did they inform (e.g. through press statements, oral statements in the Commons, etc)?**

And

- d. **Why didn't Defra correct the House of Commons Library briefing notes for MPs before or – at worst - after their publication? Defra would have had plentiful opportunities for doing so.**

Before dealing with these requests, it would be helpful to set out the position regarding the loan of cage traps to those carrying out the culls. The cage traps in question were procured by Defra for a number of different purposes, including spare stocks for the culls and for research purposes (such as vaccination trials). The cage traps remain the property of Defra and are intended to be used for a variety of purposes in future years, such that the cost of their procurement was met by the Department. This does not therefore cut across the policy position that the delivery and coordination culls are to be funded by industry and not the public purse. The Department would like to make it clear that industry does pay for the loan of cage traps which are used in the culls.

With this in mind and in answer to your specific questions, Defra did not “supply free cage traps,” nor did it “subsidise the killing of badgers” as you suggest in questions 2a, 2b and 2c. The information you request is therefore not held and regulation 12(4)(a) of the EIRs applies.

In relation to Q2d, Defra has been clear, in response to requests for information and in other correspondence (see links below), regarding the arrangements in place for cage traps. Defra is not responsible for the content of House of Commons Library briefing notes.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303504/6224.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308644/6456.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343156/RFI_6703_Binder3.pdf

The Regulation and the Public Interest Test

Regulation 12(4)(a): Information is not held when the applicant's request is received.

The Department does not hold the information requested in questions 2a, b and c as the loan of cage traps to cull companies is not free, but is paid for.

Regulation 12(4)(a) is a qualified exception, which in relation to other qualified exceptions 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.

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 the address below.

Yours sincerely,


Defra FOIA and EIRs Team
InformationRequests@defra.gsi.gov.uk

Annex A

Copyright

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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