



Department
for Environment
Food & Rural Affairs

T: 03459 33 55 77 or
08459 33 55 77
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Your ref:
Our ref: RFI 6846
Date: 06 October 2014

Dear [REDACTED]

REQUEST FOR INFORMATION: Land covered by the Badger Cull

Thank you for your request for information about involved in the badger cull, which we received on 21 August. 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 answers are below. Following careful consideration, we have decided not to disclose some of this information.

1. Can you please tell me how much land was covered by the cull companies in each of the pilot areas? Did they cover the required 70%?

Each area met the 70% criteria. The quantity of land in each area is being withheld under exception 12(5)(a), public safety.

2. Can you tell me how this was calculated?

The land was mapped after signed forms from participants were provided and the percentage was calculated from this.

3. Can you now release the maps showing the areas where badgers were removed?

No – this information is being withheld under exception 12(5)(a), public safety.



The Regulation and the Public Interest Test

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. Defra did not release information on land where culling took place last year and does not plan to release details this year or in any year whilst operations remain ongoing. The reason for this is that areas that are involved in this year's cull participated last year. Release of maps would enable protestors to identify farms and landholdings where culling is taking place and expose the people living there to harassment. Conversely, they could make mistakes and mistakenly identify areas not involved in the cull. There were many instances of harassment and intimidation at varying levels of severity last year which included posting personal details of individuals or businesses deemed by activists to be linked to the pilot, regardless of how tenuously or perhaps not at all; to the internet; to various actions at individual's homes; to other actions out in the field. There were also instances where protestors placed themselves at risk by moving through active cull areas. It is very likely that the same type of occurrences will take place this year.

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 regarding the badger culls, as there is a public interest in transparency and accountability in such controversial policy areas. However, it is never in the public interest to increase the risk to public safety and expose people to intimidation and therefore Defra is withholding the details requested in order to avoid such events happening in future.

We acknowledge that we missed the relevant deadline for response to your request, for which I apologise. It has taken some time to ensure you have an accurate response to your request. It is not our usual practice to take longer than the time allowed for response in the relevant legislation and I am sorry that on this occasion we have not been able to meet our usual standards. We are currently experiencing a high number of EIRs/FOIA requests making it difficult to respond within the deadlines. The Department is taking action to address this issue.

I have attached an annex giving contact details should you be unhappy with the service you have received.

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.

If you have any queries about this letter, please contact the e-mail address below.

Yours sincerely

Defra FOIA and EIR Team
informationrequests@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) 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