



Department
for Environment
Food & Rural Affairs

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[Redacted]

Our ref: RFI 6896
Date: 8 October 2014

Dear [Redacted],

**REQUEST FOR INFORMATION: INSPECTION REPORTS FOR PETER JOLLY'S
CIRCUS AND CIRCUS MONDAO SINCE OCTOBER 2013**

Thank you for your request of 18 September for copies of the inspection reports and associated paperwork for Peter Jolly's Circus and Circus Mondao for inspections carried out since 18 October 2013. As you know we have handled your request under the Freedom of Information Act 2000 (FOIA).

Information disclosed

I enclose a copy of the following information:

- two inspection reports for Circus Mondao for a licence renewal inspection undertaken on 27 February 2014 and a planned unannounced inspection on 12 August 2014;
- two letters from the Chair of the Defra licensing panel that considered both the inspection reports (the first letter renews Circus Mondao's licence for 2014 and the second confirms the status of Circus Mondao's licence following the 12 August inspection); and
- two inspection reports for Peter Jolly's Circus for a licence renewal inspection undertaken on 27 February 2014 and a planned unannounced inspection on 25 June 2014;
- correspondence from Defra/AHVLA, the licensing inspector, Peter Jolly's Circus's lead vet and Peter Jolly's Circus following the licensing renewal inspection; and
- letters from the Chair of the Defra licensing panel that considered both inspection reports; as above, renewing the circus's licence for 2014 and confirming the status of Peter Jolly's Circus' licence following the 25 June inspection.

Certain information in the above documents has been redacted under section 38 Health and Safety and section 40 Personal Information.



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. We understand that some people may wish to see the reports in their entirety. However we have seen evidence that individuals associated with the circus licensing regime, or individuals in other areas involving wild animals in circuses, have previously been subject to threats, and the release of further identifying information could increase their risk. Therefore this information has been redacted.

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

- Personal contact details of circus operators
- Names of circus representatives other than the licence holder
- The details of the lead vet
- The name of the circus inspector

Inspection reports and licence paperwork contain personal data, which we have concluded should be withheld under section 40(2) (personal data relating to persons other than the requester; i.e. third parties) of the FOIA. Section 40(2) of the FOIA provides that personal data relating to third parties is exempt information if disclosure would breach the Data Protection Act 1998 (DPA). We consider that disclosure of these personal data is likely to breach the first data protection principle in Schedule 1 to the DPA, which relates to the fair and lawful processing of personal data, in two ways. First, disclosure would not constitute 'fair' processing of the personal data, second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 to the DPA. Therefore, we have concluded that this information is exempt from disclosure under section 40(2) of the FOIA.

Information is reasonably accessible

As was explained to your colleague, [Redacted] , on 24 February 2014 in response to an FOIA request, the inspection report of 25 October 2013 in relation to Peter Jolly's Circus is already available from

<https://www.gov.uk/government/publications/circus-animals-applied-licenses>.

As this information is reasonably accessible to you by other means, it is exempt from disclosure under section 21 of the FOIA.

In keeping with the spirit and effect of the FOIA and 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,

[Redacted]

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 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.

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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