



ASSURING THE SAFETY, QUALITY & EFFICACY
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ATI 283/284/285

Request

From: [Redacted under section 40 of the FOIA]

Sent: 17 January 2014

Subject: relating to alleged errors and poor procedures around the supply of medicated feedstuffs to farmers

[See text in reply below for details of ATI 283/284/285 requests]

VMD Reply

Sent: 20 January 2014

To: [Redacted under section 40 of the FOIA]

Subject: relating to alleged errors and poor procedures around the supply of medicated feedstuffs to farmers

Your Request

Thank you for your three emails all dated 17 January 2014. We have dealt with your three requests under the Freedom of Information Act 2000 (FOIA). We have set the scope of your requests to issues related to the VMD Best Practice Note – Medicated Feedingstuffs Prescriptions (MFSp) Best Practice. I am replying to each in this one email.

Using the VMD references I have attributed to each of your requests, you asked:

ATI283

1, How many complaints / comments the VMD has received **in total** from vets and feed suppliers (or third parties) relating to alleged errors and poor procedures around the supply of medicated feedstuffs to farmers

2, How many such complaints / comments has the VMD received **year on year**, beginning with 2014 and working backwards to when records began to be kept / are held

ATI284

1, Details (contact & locations) of the vets / feed suppliers / third parties who have made complaints / representations / comments to the VMD in relation to errors and / or poor procedures relating to the supply of medicated feedstuffs to farmers

2, Copies of all documents held by the VMD relating to these complaints / representations, including, but not limited to, emails, letters, memos, notes, details of telephone calls & minutes of any meetings discussing (in whole or part) these complaints.

ATI285

1, Copies of any documents held by the VMD relating to the **overall issue** of alleged complaints / poor procedures / errors in relation to the supply of medicated feedstuffs to farmers, including, but not limited to, emails, letters, memos, notes, details of telephone calls, strategy outlines, intelligence reports & minutes of any meetings discussing (in whole or part) this or related issues.

2, Specifically, copies of any correspondence or records of any discussion of this issue with third parties - including Government Departments, Professional Bodies, Veterinary or Farming groups, specialists or other stakeholders.

Our Reply

We want to be as open as possible in answering your requests that is why we have provided certain information in this reply. However, we believe that your request is potentially very broad and gathering the information together could involve a significant cost and diversion of resources from the Agency'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 your request as you currently frame it.

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. In reframing your request you might want to tell us what you want from the information so that we can use this to provide the particular information you require.

As a general point you should also note that the FOIA gives you an entitlement to information rather than documents and it is in this context that we will answer your requests.

ATI283

Notwithstanding the above, we do want to help you obtain the information about numbers you are looking for if we can, so you may find it useful to know that most of the "relatively" few comments and information we receive come over the telephone. We deal with these on a case by case basis in accordance with our published guidance and legislation; and as such we do not formally record all of the details you request. Similarly we do not keep a log

of written 'complaints or comments'. However, we do take into account the issues raised by such calls and correspondence when we produce and update the Best Practice note that you attached.

For example, the Best Practice note lists the seven errors relating to the filling out of prescriptions that our inspectors (see below) and third parties bring to our attention. This is an example of how we incorporated the intelligence we received into that key document.

You may also find it useful to know that the main driver for us in developing the Best Practice note was intelligence from the VMD inspectors who inspect and approve feed mills. They provided the majority of the "reported errors relating to filling out of prescriptions", as listed in the note.

As we first published advice in 2007 in the Veterinary Press, you may wish to ask for the numbers of reports we received between 2007 and 2012, which is the time between publication of the advice notes.

ATI284

You may wish to take the following into account as you reframe your request for "contact and locations of the vets / feed suppliers / third parties":

We would withhold such details under section 40(2) (third party personal data) of the FOIA where the information constituted personal data relating to third parties. Private individuals are not in the same position as limited companies, PLCs, LLPs and other incorporated organizations. 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 this information about private individuals 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.

We would also take into account Section 41, which applies to information that has been obtained from another person and whose disclosure to the public would constitute an actionable breach of confidence. Such information as you request from third parties would be provided to the VMD in circumstances which would give rise to a reasonable expectation of confidence and in the context of an established relationship with the party or parties concerned. Further, the continuous improvement of best practice in using MFSp in part relies on establishing and upholding a robust process of feedback from related third parties in the field; this in turn requires appropriate protection of confidentiality, and the honouring of expectations of confidentiality.

ATI285

Again we do want to help you obtain the information you are looking for if we can, so as you reframe this request for copies of documents, you should note that the FOIA gives you an

entitlement to information rather than documents. It is in this context that we would answer this request. Taking account of what we have said in relation to ATI 284 above it may help if you tell us what information you are seeking that these documents may contain.

In relation to the overall issue the VMD is very aware of the difficulties involved and we understand that all parties face their own challenges. Without co-operation from vets, mills, suppliers and farmers, this will be a very difficult issue to resolve.

Since we published the Best Practice Note in 2012, we know from our inspectors' feedback that we need more progress from all the parties involved. In December 2013 as part of our initiatives to make further progress the VMD held a workshop titled "The Management of Medicated Feedingstuffs Prescriptions". Key industry representatives of vets, mills, suppliers and farmers, plus species specific industry farming and veterinary associations covering all species consuming medicated feed, and key members of the VMD attended. They were all very positive about the workshop and all were committed to improving current practices. The VMD is now preparing an action plan for all sectors to sign up to. We aim to publish information about the workshop in the Industry press shortly.

Given that we are publishing information about the workshop soon, we judge that this information is covered by section 22 of the FOIA, which covers "information intended for future publication". Section 22 applies where there is an intention to publish the requested information at some future date. This ensures that the FOIA does not force public authorities into premature publication of information.

Section 22 is subject to a public interest balance. After careful consideration we conclude that the public interest in withholding the information at this time strongly outweighs that for disclosure. We believe that the public interest is best served if the VMD is permitted to publish information in a manner and form and at a time of our own choosing. It is a part of the effective conduct of public affairs that the general publication of information is a conveniently planned and managed activity within the reasonable control of public authorities. Where we have taken the decision in principle to publish, here as part of the Workshop's follow-up activity, we have a reasonable entitlement to make own arrangements to do so. In addition, we take the view that immediate disclosure would undermine our pre-publication procedures, which is currently underway.

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Our Service

If you are unhappy with the service you have received in relation to your request and wish to make a complaint, you may request an internal review within two calendar months of the date of this e-mail. If you would like to request an internal review please write to [Redacted under section 40 of the FOIA] at the VMD via ati@vmd.defra.gsi.gov.uk.

If you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office
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