



Department
for Environment
Food & Rural Affairs

Area 4C, Nobel House
17 Smith Square
London
SW1P 3JR

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

[REDACTED]

Our ref: RFI 8349
29 June 2016

Dear [REDACTED]

REQUEST FOR INFORMATION: INFORMATION ON TRAVELLING CIRCUSES

Thank you for your request, which we received on 6 June 2016, about information received between 11 March 2016 and 31 May 2016 regarding travelling circuses. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA).

I enclose a copy of the following information held by this Department:

- Correspondence between Defra/APHA and Peter Jolly's Circus, including updated paperwork, and information about the circus's Zebu and Zebra. Correspondence of 16 March 2016 from the Chair of the Defra Circus licensing panel to Peter Jolly's Circus was included in response to your previous request (RFI 8186) and is therefore not included in this response.
- An inspection report for Circus Mondao for a planned unannounced inspection undertaken on 30 March 2016. Also enclosed is correspondence between the Chair of the Defra licensing panel that considered the inspection report and the Circus, as well as an email from the circus about their Zebra.

Some information in the above documents has been redacted under section 38(1) (Health and safety); and sections 40(2) and 40(3)(a)(i) (Personal information) of the FOIA.

Section 38(1) applies to information that if disclosed would or would be likely to endanger the physical or mental health, or the safety, of any individual. We understand that some people may wish to see the documents 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 risk to those individuals. Therefore this information has been redacted.

The documents 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) and section 40(3)(a)(i) of the FOIA. Section 40(2) and section 40(3)(a)(i) of the FOIA provide that personal data relating to third parties is exempt information if its disclosure would breach any of the data protection principles in 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. Disclosure of this information would not constitute 'fair' processing of the personal data because the information relates to persons who are not in



a public facing role and would not reasonably have expected their name to be made public. Therefore, we have concluded that this information is exempt from disclosure under section 40(2) of the FOIA.

The information which is exempt from disclosure includes:

- Personal contact details of circus operators;
- Names and addresses of circus representatives or associates, other than the licence holder, where these details are not already publically known;
- Details of the vets involved in treating or overseeing the care of the animals;
- Names and email addresses of Defra or APHA officials below the level of the Senior Civil Service; and
- The name of the Circus Inspector.

Information withheld

I can confirm that during the period of your request (11 March to 31 May 2016) correspondence was exchanged between Peter Jolly's Circus and Defra/APHA in relation to an investigation of the conditions at Peter Jolly's winter quarters, in response to footage received from your organisation, Animal Defender's International. This information is being withheld under the exemption in section 30 of the FOIA which relates to investigations and proceedings conducted by public authorities. Section 30(2)(a)(iii) concerns information being used in investigations by a public authority, such as Defra, for the purpose of ascertaining whether any person has failed to comply with the law.

In applying this exemption, 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 concerning our investigations into the alleged conditions and the treatment of animals at the winter quarters of Peter Jolly's Circus. The public needs to have confidence in the ability of the responsible public authority to uphold the law.

On the other hand, there is a strong public interest in withholding the information where an investigation is ongoing. Public authorities require a safe space in which to operate and premature disclosures could create intense media pressures which could present problems for any later enforcement actions or judicial processes. Such concerns would hinder the efficient running of an investigation if disclosed.

We have also promised to write to your organisation, with our findings, once we have concluded our investigations.

Therefore, we have concluded that in all the circumstances of the case, this information should currently be withheld.

Information not held

I can confirm that we do not hold any license applications, inspection reports or associated paperwork for Thomas Chipperfield's Big Cat Circus 'An Evening with Lions and Tigers' or any other travelling circus with wild animals for the period 11 March to 31 May 2016.

Information disclosed in response to this FOI request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on GOV.UK, together with

any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, which explains the copyright that applies to the information being released to you.

We 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,

[REDACTED]

Information Rights 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.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

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 Nick Teall, Head of Information Rights, Area 4C, Nobel House, 17 Smith Square, London, SW1P 3JR (email: InformationRequests@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