



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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[REDACTED]
{By Email}

Our Ref: ATIC0875

27 June 2016

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information about poultry operations which we received on 1 June 2016. Your request has been handled under the Freedom of Information Act 2000.

The information you requested and our response is detailed below:

“Under the Freedom of Information Act 2000 please provide me with a list of all the poultry operations registered with the Animal and Plant Health Agency in England and Wales, specifically:

- the number of poultry operations per Local Authority
- the flock size of each operation”

You submitted a similar request for a list of poultry operations on 6 May 2016 and a response was given on 11 May 2016 (our reference ATIC0857). Under Section 14(2) of the Act, a public authority does not have to comply with a request which is identical, or substantially similar to a previous request submitted by the same individual. Therefore APHA will not be responding to this part of the request. Please refer to our previous response.

For the number of poultry operations per local authority please see Appendix 1 attached showing the number of registered poultry keepers per Local Authority in England and Wales.

The flock size for each operation has been withheld under Sections 40(2) for private keepers, and 43(2) for businesses of the FOIA.

Section 40(2) refers to other people's personal information. Personal data relating to third parties is exempt information if disclosure would breach the Data Protection Act 1998 (DPA).

APHA consider that disclosure of this information is likely to breach the first data protection principle in Schedule 1 of 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.

Section 43(2) refers to information that when complying with the request would prejudice or would be likely to prejudice commercial interests.

The Exemption in Section 43(2) is subject to a Public Interest Test to ensure it is being appropriately applied.

Public Interest Test

APHA understand that there is a public interest in the publication of information concerning poultry. We also understand that further information in this area may facilitate accountability and transparency.

However, the poultry business is a fiercely competitive one and our relationship with these keepers is based on trust. Any disclosure of stock numbers may benefit competitors which could then lead to financial losses by an establishment. Furthermore, APHA believe that to furnish you with this information could result an adverse working relationship between APHA and our customers, and therefore interfere with any statutory duties we may have to carry out.

In light of this APHA believe that withholding the information outweighs that of the public's interest in the right to know.

Information disclosed in response to this FOI request is releasable to the public. In keeping with the spirit and effect of the FOIs 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.

I attach an Annex which explains the copyright that applies to the information being released to you and contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the Access to Information Team at the email address below or postal address at the top of this letter.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gsi.gov.uk

Annex

Complaints

If you are unhappy with the result of your request for information you may request an internal review within 40 working days of the date of this letter.

If you wish to request an internal review, please contact: The Access to Information Team at enquiries@apha.gsi.gov.uk or at the postal address at the top of this letter, who will arrange for an internal review of your case.

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. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted APHA's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF