



Department  
for Environment  
Food & Rural Affairs

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**Our ref:** RFI 8126

**Date:** 21 March 2016

**REQUEST FOR INFORMATION: ANY NEW APPLICATIONS, INSPECTION REPORTS, STOCKLISTS AND OTHER CORRESPONDENCE FOR CIRCUS MONDAO.**

Thank you for your request, which we received on 19 February 2016, for the above information. 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 held by this Department:

- A copy of the application received on 25 January 2016 from Circus Mondao for a new licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012, and subsequent associated correspondence, including correspondence from the circus on 19<sup>th</sup> February 2016.
- Updated paperwork, including the stocklist for the animals to be covered by the licence, which accompanied the application from the circus. Signed final copies only have been included, rather than two sets (signed and unsigned) of the same document.
- An inspection report for Circus Mondao for a licence renewal inspection undertaken on 19 February 2016, including the associated correspondence and a copy of the licence granted to Circus Mondao on 2 March 2016. Although this information is outside the timescale of your request, is it enclosed for completeness.

Certain information in the above documents has been redacted under section 38(1) (Health and safety), section 40(2) (Personal information) and section 43 (2) (Commercial Interests) 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.

Section 43 (2) concerns data, disclosure of which would be likely to prejudice the commercial interests of any person. Information has been supplied in the belief that this potentially commercially and financially sensitive information will not be placed in the public domain.

Information release has the potential to have a detrimental impact on businesses' commercial revenue, and could threaten their ability to obtain supplies. It could also weaken circuses' position in a competitive environment, by revealing market-sensitive information, or information of potential usefulness to competitors.

The information which is exempt from disclosure includes:

- Personal contact details of circus operators
- Names of circus representatives other than the licence holder or the person applying for a licence where these persons 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.
- Future dates and locations from the tour itinerary

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](http://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,

**Defra FOIA and EIRs Team**

[InformationRequests@defra.gsi.gov.uk](mailto: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 Nick Teall, Head of Information Rights, Area 4C, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [InformationRequests@defra.gsi.gov.uk](mailto: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