



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 7599
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REQUEST FOR INFORMATION: ANY INSPECTION REPORTS AND ASSOCIATED PAPERWORK FOR APPLICATIONS RECEIVED FROM OR INSPECTIONS CARRIED OUT AT: PETER JOLLY'S CIRCUS; CIRCUS MONDAO; THOMAS CHIPPERFIELD'S BIG CAT CIRCUS OR ANY OTHER CIRCUS BETWEEN 28 FEBRUARY 2015 AND 22 JUNE 2015

Thank you for your request, which we received on 23 June 2015, for the above information. 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:

- An inspection report for Peter Jolly's Circus for a planned unannounced inspection undertaken on 3 June 2015. Also enclosed are two letters from the Chair of the Defra licensing panel that considered the inspection report; requesting further work to be undertaken and then confirming the status of Peter Jolly's licence. Enclosed is also the follow-up information requested in the letter from the Chair of licensing panel after the 3 June inspection. This information was previously withheld as it fell under the exemption in section 36 of the FOIA which relates to prejudicing the conduct of public affairs. Section 36 concerns information where disclosure would, or would be likely to, inhibit the free and frank provision of advice or exchange of views, or otherwise prejudice the effective conduct of public affairs. As the inspection report's use in deciding the status of a licence has now ended, this exemption no longer applies.

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

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
- Details of other vets involved in treating licensed animals
- The name of the circus inspector

Application forms 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.

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.

Information withheld

I can confirm that an application from Thomas Chipperfield for a licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 was received by Defra on 7th May 2015, with a pre-licensing inspection of his Circus undertaken on 10th June 2015. This information is currently being withheld as it falls under the exemptions in sections 36(2)(b)(i) and (ii) and 36(2)(c) of the FOIA which relates to prejudicing the conduct of public affairs. Sections 36(2)(b)(i) and (ii) and 36(2)(c) concern information where disclosure would, or would be likely to, inhibit the

free and frank provision of advice or exchange of views, or otherwise prejudice the effective conduct of public affairs.

Authorization for the use of these exemptions have been given by George Eustice MP, as the relevant Minister and therefore 'qualified person' for Defra's work on circus animal policy. Mr Eustice decided on 29 June that the application of the exemptions was appropriate in this case.

In applying these exemptions, 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 the applications received and the inspection reports of licensed circuses, and where an application's or inspection report's use in deciding the status of a licence has been concluded then our policy is to usually release that information.

On the other hand, there is a strong public interest in withholding the information where an application or inspection report is still under active consideration prior to a decision being taken. Information contained within applications and inspection reports is used to decide the status of licences. Its release could lead to external pressure on these decisions. Good government depends on good decision-making, which needs to be based on the best evidence available and a full consideration of all the options without fear of premature disclosure. Ministers and officials need to be able to conduct rigorous and candid assessments of the evidence including considerations of the pros and cons without there being premature disclosure which might close off better options.

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 this Department does not hold any inspection reports or associated paperwork for Circus Mondao for dates between 30 May to 22 June 2015, nor any other licence applications or inspection reports for any other circus for dates between 28 February to 22 June 2015.

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

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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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 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