



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 7186
Date: 18 February 2015

Dear [REDACTED]

**REQUEST FOR INFORMATION: INSPECTION REPORTS, LICENCE APPLICATIONS
AND STOCKLISTS FOR PETER JOLLY'S CIRCUS AND CIRCUS MONDAO BETWEEN
26 JUNE 2014 AND 22 JANUARY 2015**

Thank you for your request of 22 January for the above information relating to Peter Jolly's Circus and Circus Mondao, plus information about the big cats owned by Thomas Chipperfield. 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 as of 22 January 2015:

- an inspection report for Peter Jolly's Circus for a routine announced inspection undertaken on 9 October 2014 and the associated paperwork;
- an inspection report for Circus Mondao for a routine announced inspection undertaken on 10 November 2014, two further reports for two special unannounced inspections on 18 December 2014 and 15 January 2015, and the associated paperwork; and
- a copy of the application received on 13 January 2015 from Peter Jolly's Circus for a new licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012., including the stocklist for the animals to be covered by the licence and associated correspondence.

Certain information in the above documents has been redacted under section 38 Health and Safety, sections 40(2) and 40(3)(a)(i) Personal Information and section 43(2) Commercial 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
- The name of the circus inspector

Inspection reports and licence paperwork contain personal data, which we have concluded should be withheld under sections 40(2) and 40(3)(a)(i) (personal data relating to persons other than the requester; i.e. third parties) of the FOIA. Sections 40(2) and 40(3)(a)(i) of the FOIA provide 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 sections 40(2) and 40(3)(a)(i) 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 falls under this exemption includes, but is not restricted to:

- Future dates and locations from the tour itinerary

Information is not held by Defra

With regards to any application that Thomas Chipperfield may have made to keep big cats under the Dangerous Wild Animals Act 1976 (DWAA), I must advise you that the information that you have requested is not held by Defra. If such an application has been made I can confirm that this information is likely to be held by the individual local authority within whose boundary such animals were due to be kept, for it is they who administer and enforce the DWAA licensing regime. To the best of my knowledge there is no centralised register for such information.


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.

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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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 [REDACTED] 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