



Animal &
Plant Health
Agency

Animal and Plant Health Agency
Access to Information Team
Weybourne Building
Ground Floor
Woodham Lane
New Haw
Addlestone
Surrey
KT15 3NB

T 01932 341111
F 01932 357608

www.gov.uk/apha

[REDACTED]
{By Email}

Our Ref: ATIC0853

31 May 2016

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your amended and clarified request for information about poultry farms. As such a valid request was received on 18 May 2016. Your request has been handled under the Freedom of Information Act 2000.

The information you requested and our response is detailed below:

1. "I am requesting the current poultry register consisting of businesses trading in poultry only.
2. How many inspections took place on poultry farms on the poultry register over the past financial year?
3. How many of those businesses on the poultry register failed inspections?
4. Does the APHA log which businesses failed inspections? If so which ones did in the past financial year?
5. Did the APHA remove any poultry business from the register in the past financial year? If so how many businesses and which ones?
6. Does the APHA log when an inspection finds salmonella, Campylobacter or other bacteria causing infections are found? If so how many, and which businesses over the past financial year?"

Clarity was then asked regarding to the meaning of 'inspections':

"Please see clarifications below:

1. I am requesting the current poultry register consisting of businesses trading in poultry only.

In March 2013, the Great Britain Poultry Register was de-commissioned with APHA's SAM database becoming the repository for the recording of poultry data. SAM is APHA's internal database that records owner and animal information.

This SAM data is not a public registry and contains Personal data (collected for a specific purpose), under the conditions stated in the Data Protection Act 1998.

When a report is run from SAM on the current registered poultry keepers it produces a list with over 64,000 entries. This list does not identify businesses trading in poultry only.

To do that each registered keeper would need to be identified as a business and then cross referenced with other records APHA hold to see whether they are keepers of poultry only.

Section 12(1) of the FOIA allows us to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate limit, which currently stands at £600.

On the basis of our estimates, we consider that the cost would exceed this limit and, as such, we are refusing your request.

2. How many poultry farms on the poultry register did the APHA inspect (poultry health scheme inspection) over the past financial year?

198 Poultry Health Scheme inspections took place on registered poultry keepers between 1 April 2015 and 31 March 2016.

3. How many of those businesses on the poultry register failed a poultry health scheme inspection?

APHA want to be as open as possible in answering requests. The Freedom of Information Act (FOIA) itself also requires us to help people obtain the information they are looking for. Your request covers information that is in approximately 300 paper records. Extracting and gathering it together would involve a significant cost and diversion of resources from APHA's other work.

Section 12(1) of the FOIA allows us to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate limit, which currently stands at £600.

On the basis of our estimates, we consider that the cost would exceed this limit and, as such, we are refusing your request.

However, if you were to make a new request for a narrower category of information regarding this question, it may be that we could comply with that request within the appropriate limit, although I cannot guarantee that this will be the case. The best way we can help you is to ask you to focus on a particular APHA region, eg Midlands, Southwest, etc.

4. Does the APHA log which businesses failed poultry health scheme inspections? If so which ones did in the past financial year?

APHA does record non-compliance. The information on which businesses failed inspections has been withheld under Section 43(2) of the Freedom of Information Act. Please see more detail below under the Public Interest Test.

5. Did the APHA remove any poultry business from the register in the past financial year? If so how many businesses and which ones?

Please note registration is not a licence to keep birds it is merely registration under the guidance supplied within APHA's website.

APHA do de- register businesses once they no longer keep poultry. The information on which businesses were removed has been withheld under Section 40(2) and 43(2) of the Freedom of Information Act. Please see more detail below under the Public Interest Test.

6. Does the APHA log when a poultry health scheme inspection finds salmonella, Campylobacter or other bacteria causing infections are found? If so how many, and which businesses over the past financial year?"

There is an APHA central administrative unit for the Poultry Health Scheme but they do not record when a poultry health scheme inspection finds salmonella or other bacteria causing infections.

These results go straight to a Veterinary Officer (either an APHA VO or a private Official Veterinarian).

APHA want to be as open as possible in answering requests. Your request covers potential information that is spread throughout the regional APHA offices with individual Veterinary Officers. To determine whether this information is held, extract and gather it together would involve a significant cost and diversion of resources from APHA's other work.

Section 12(1) of the FOIA allows us to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate limit, which currently stands at £600.

On the basis of our estimates, we consider that the cost would exceed this limit and, as such, we are refusing your request.

Section 40(2) refers to other people's personal information. 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).

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 (as mentioned above) to ensure it is being appropriately applied.

Public Interest Test

APHA understand that there is a public interest in the publication of information concerning the inspections at such poultry premises. We also understand that further information in this area may facilitate accountability and transparency as to the decisions taken by a public authority, as well as allowing the public to better understand the decisions and process we undertake.

However, APHA have to fulfil statutory duties, under legislation, and our relationship with our customers is based on trust. Any disclosure of failed inspections or removal from the register could prejudice and mislead the general public who would base their

opinions on such outcomes, even if any potential problems have been rectified. This could then lead to financial losses by the 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 APHA carrying out its statutory duties.

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

Copyright

The information supplied to you is Crown copyright, unless otherwise stated, and is protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, and for the purposes of news reporting. You can find details on the arrangements for re-using Crown copyright information at:

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Information you receive which is **not** subject to Crown Copyright continues to be protected by the copyright of the person, or organisation, from which the information originated. You must ensure that you gain their permission before reproducing any third party (non Crown Copyright) information.

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