



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 7735
Date: 16 Sept 2015

**REQUEST FOR INFORMATION: INSPECTION REPORTS AND PAPERWORK
RELATING TO LICENCES APPLIED FOR OR ISSUED TO: CIRCUS MONDAO,
PETER JOLLY'S CIRCUS AND THOMAS CHIPPERFIELDS BIG CAT CIRCUS**

Thank you for your request, which we received on 17 August, 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:

- Exchanges of correspondence between Defra and Circus Mondao concerning the veterinary treatment and death of the female camel 'Sabia'; including paperwork concerning the calf 'Kachana' between 19 June and 5 August 2015.
- An inspection report for Circus Mondao for a planned unannounced inspection undertaken on 6 August 2015. Although outside of your request, for completeness also enclosed is the letter of 20 August 2015 from the Chair of the Defra Circus licensing panel that considered the inspection report.
- An application from Thomas Chipperfield for a licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 received by Defra on 7 May 2015. This includes the full set of required supporting documents which was submitted following further correspondence with the applicant. This further correspondence and other correspondence regarding the application are also attached. Also enclosed is an inspection report from 10 June 2015 and follow-up correspondence, including the letter from the Chair of the Defra Circus licensing panel confirming that the application was discontinued. 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 application forms and inspection report's use has now ended, this exemption no longer applies.

Certain information in the above documents has been redacted under section 38(1) (Health and safety) and section 40(2) (Personal information) 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 information which falls under this exemption 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 AHPHA officials below the level of the Senior Civil Service.

The emails and test results 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 as disclosure would not constitute 'fair' processing of the personal data. 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 not held

I can confirm that this Department does not hold any inspection reports or associated paperwork for Peter Jolly's Circus for dates between 23 June 2015 and 14 August 2015, nor any other licence applications or inspection reports for any other circus for dates between 23 June 2015 to 14 August 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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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