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Our ref: RFI 8804

27 February 2017

Dear

REQUEST FOR INFORMATION: Travelling Circuses with Wild Animals

Thank you for your request, which we received on 30 January 2017, requesting applications for 2017 and associated correspondence for Peter Jolly's Circus and Circus Mondao, and also an application from Thomas Chipperfield for 2016. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA).

I enclose a copy of the following information (see '*RFI 8804 – Circus Mondao 2017 application form and associated correspondence_Redacted.pdf*') held by this Department:

- An application for a renewed licence from Circus Mondao received by APHA/Defra on 6 January 2017, and subsequent correspondence between APHA and the Circus, including letters and emails from APHA of 11, 20 and 24 January, a copy of a veterinary report sent by the Circus on 13 January and an email from the Circus of 23 January.

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. In applying this exemption 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 regarding individuals involved in circuses and that some people may wish to see these documents in their entirety. On the other hand, there is a strong public interest in withholding the information because 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 withheld and 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:

- Names and contact details of circus representatives or associates, other than the licence holder, where these details are not already publically known;
- Names and contact details of Defra or APHA officials below the level of the Senior Civil Service; and
- Future dates and locations from the tour itinerary

Information not held

I can confirm that, as of 30 January 2017, we do not hold any applications for a licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 or any correspondence associated with an application for 2017 for Peter Jolly's Circus.

I can also confirm that we did not receive an application for a licence from Thomas Chipperfield's Big Cat Circus 'An Evening with Lions and Tigers' during 2016. The only application so far received from that circus was received during 2015 and has already been released in response to a previous FOI request, and can be found at the below webpage:

<https://www.gov.uk/government/publications/circus-inspection-reports-2015>

Information disclosed in response to this FOI request is releasable to the public. In keeping with the spirit and effect of the FOIA 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.

We attach Annex A, which explains the copyright that applies to the information being released to you.

We 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 me.

Yours sincerely,

[REDACTED]

Information Rights 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) 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 [REDACTED] Head of Information Rights, Area 4C, Nobel House, 17 Smith Square, London, SW1P 3JR (email: 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