



Animal &
Plant Health
Agency

Animal and Plant Health Agency
Access to Information Team
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www.gov.uk/apha

[REDACTED]
{By Email}

Our Ref: ATIC 1087

19 May 2017

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information about a live animal import, which we received on 5 May 2017. Your request has been handled under the Freedom of Information Act 2000 (FOI).

The information you requested and our response is detailed below:

“Thank you very much for your response below, following on from your answers, I have the following questions that I hope you can answer:

Please note parts 1 and 3 of your request are not requests as defined within the FOI Act. Therefore they were dealt with under general correspondence.

1. If it is a legal requirement and APHA do not have statutory powers of enforcement, who does?

[Local Authorities have statutory powers of enforcement.](#)

2. Which local authority i.e. the authority holding the destination address received written advice from APHA?

[This part of your request has been withheld under section 38 of the FOI Act. This is because identifying the local authority would then identify the county Please see below for more detail on section 38 including the Public Interest Test.](#)

3. Do APHA intend to take any action to try and close the loop hole to enable APHA/DEFRA to establish 100% bio-security of live animal imports?

[APHA are notified of live animal imports via the European Union's Trade Control and Expert System \(TRACES\) when the origin EU Member State completes a notification process by electronically 'validating' the Intra Trade Animal Health Certificate \(ITAHC\) on TRACES. The validation process produces an email notification to the destination Member State that the consignment has been dispatched.](#)

[APHA carry out risk based assessments of import consignments based on:](#)

- the disease status of the country of origin of the consignment, and
- importer risk based on the importer's history of compliance.

The assessment determines the import consignment risk priority and the level of post-import checks that are required which can include on-farm sampling to detect/prevent the importation and spread of animal disease and non-compliance.

4. Your email below states that APHA received a retrospective Importer Notification for the consignment of cattle imported on Intra Trade Animal Health Certificate (ITAHC) on INTRA.DE.2017.0020421 on 16 March 2017. Please can you forward to myself. This document was requested in my original email to APHA who at the time, although they did not respond until 20th March, 2017 suggested they did not have a copy to socialise.”

As explained in our acknowledgement this has been treated as a new request.

Please see the import notification at Appendix 1.

Information has been redacted under Section 38, Section 40(2) read in conjunction with 40(3)(a)(i) of the Freedom of Information Act (2000).

Section 38

Section 38 refers to the exemption from the duty to provide information if it would, or would be likely to affect anyone's health or safety.

The exemption in Section 38 is subject to a Public Interest Test to ensure it is being appropriately applied.

Public Interest Test

We recognise that there is a general presumption in favour of transparency and openness concerning our work, and providing the general public with the right to request access to information held by public authorities.

We also recognise that there is a public interest in disclosure of this specific information in order to increase this transparency and aid well-informed debates concerning the welfare and transportation of animals, and the individuals associated with them.

However, we feel that there is a stronger public interest in withholding the information as the full addresses, including the county of origin, transporter details and individual names would identify further information and would, or would be likely to, endanger the health and safety of staff. This poses a substantial risk to the health and safety of individuals associated with the transportation of animals that would be of significant

severity and is likely to occur in some cases. We consider this to be a significant factor in favour of maintaining the exemption.

APHA has balanced the real threat to the health and safety of individuals which disclosure of the requested information would be likely to cause, against the public interest arguments in favour of disclosure. In this instance the APHA does not consider that disclosing the information requested in order to inform public debate and to promote accountability and transparency would justify the risk to individuals' health and safety.

Section 40

Some of the information contained within the requested documents has been withheld under section 40(2) read in conjunction with 40(3)(a)(i) (third party personal data) of the FOIA as the information constitutes personal data relating to a third party. Section 40(2) read in conjunction with 40(3)(a)(i) 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.

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.

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, including 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

IMPORTER NOTIFICATION FORM

IMPORTER DETAILS

NAME: [REDACTED]

ADDRESS: [REDACTED]

TELEPHONE NUMBERS: [REDACTED]

CONSIGNMENT DETAILSFINAL PLACE OF DESTINATION

NAME: AS ABOVE

ADDRESS: [REDACTED]

TELEPHONE NUMBERS:

CPH (if applicable):

EMAIL:

DATE AND TIME OF ARRIVAL

DATE: 4-3-17

TIME: 11 AM.

DETAILS OF ANIMALS / PRODUCT

SPECIES/PRODUCT/DONOR:

QUANTITY: 33

INTENDED USE OF ANIMALS (e.g. Breeding, Slaughter, Production, pets etc):

BREEDING, MILK PRODUCTION

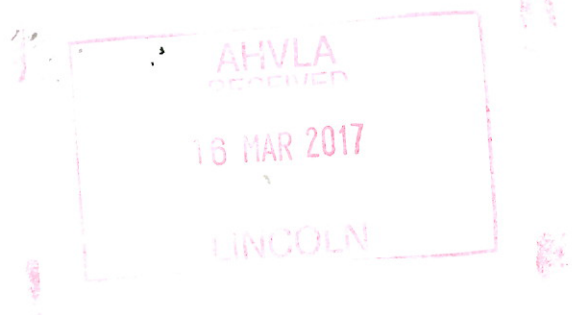
MICROCHIP / EARTAG NUMBERS / TRACES cert NUMBER (if applicable/known):

DETAILS OF PREMISES OF ORIGIN

NAME:

ADDRESS:

COUNTRY: GERMANY



In the case of imports from another Member State the importer should return this completed form to Imports England, to arrive at least 24 hours before the expected time of arrival. Return to APHA, Ceres House, 2 Searby Road, Lincoln, LN2 4DT, or importsnorthern@apha.gsi.gov.uk, importssouthern@apha.gsi.gov.uk or importswestern@apha.gsi.gov.uk