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[REDACTED]
By email: [REDACTED]

Our ref: RFI 8601
15 November 2016

Dear [REDACTED] ,

REQUEST FOR INFORMATION: INSPECTION REPORTS FOR TRAVELLING CIRCUSES WITH WILD ANIMALS

Thank you for your request, which we received on 19 October 2016, for inspection reports and associated paperwork for inspections carried out at Peter Jolly's Circus and Circus Mondao since January 2015. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA).

I enclose a copy of the following information held by this Department:

- An inspection report and associated paperwork for a routine announced touring inspection of Circus Mondao for an inspection undertaken on 30th September 2016 (see '*RFI 8601 Circus_Mondao_Inspection_Report_Sept_2016_Redacted*').

Some information in the above documents has been redacted under section 38(1) (Health and safety); and sections 40(2) and 40(3)(a)(i) (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. 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.

The information which is exempt from disclosure includes:

- Names and addresses of circus representatives or associates, other than the licence holder, where these details are not already publically known;
- The name of the circus inspector; and
- Names and email addresses of Defra or APHA officials below the level of the Senior Civil Service.

Information is reasonably accessible

All previous inspection reports and associated paperwork for Peter Jolly's Circus and Circus Mondao for inspections undertaken since January 2015 have already been released in response to previous FOIA requests. These previous FOIA releases have been published on the GOV.UK website. As each licensed circus would have been subject to at least three inspections a year since January 2015, rather than attaching a link to every separate release, we suggest that you use the search facility of the [GOV.UK](https://www.gov.uk) website. Entering the terms 'Defra', 'FOI' and 'Circus Licensing Inspection Reports' should enable you to locate previous releases of inspection reports.

As this information is reasonably accessible to you by other means, it is exempt from disclosure under section 21 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](https://www.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](https://www.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 4A, 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