



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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[REDACTED]
{By Email}

Our Ref: ATIC1258

27 February 2018

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your clarified request for information about a live animal export which we received on 11 February 2018. Your request has been handled under the Freedom of Information Act 2000 (FOIA).

The information you requested and our response is detailed below:

“Shipment via Ramsgate Port by R 730 EUB transporter Martin O’Neill on 12 December 2017.”

1. For the above journey please provide copies of the APHA loading Inspection report at point of departure and Portal inspection report at Ramsgate Port.

[Please see Appendices 1 and 2 attached.](#)

2. A completed and returned journey log for this journey.

[Please see Appendix 3 attached.](#)

3. I request the relevant minimum temperature data taken from the satellite data and/or on-board monitoring equipment.

[Please see Appendices 1 and 2 attached.](#)

4. How were these sheep housed following the cancellation of the original planned shipment on Monday 11 December? Was it covered and/or temperature controlled lairage building or open to the low external temperatures?

[Following a search of our paper and electronic records, we have established that the information that you have requested here is not held by APHA.](#)

5. Where the sheep loaded onto a transporter which had been parked in the open prior to loading or at the time of loading? Or did the transporter arrive at the loading point immediately prior to APHA inspection?

Following a search of our paper and electronic records, we have established that the information that you have requested here is not held by APHA.

6. Were the sheep loaded in Cumbria, or was their original first point of loading outside mainland UK?

The information you have requested here has been withheld under Section 38(1) of the FOIA. Please see below for further details on Section 38. However APHA can confirm the loading took place within the United Kingdom.

7. If any part of the loading was in the UK what was the recorded outside temperature and the temperature on the transporter at loading?

Following a search of our paper and electronic records, we have established that the information that you have requested here is not held by APHA. This is because APHA do not record information relating to outside temperatures or the temperature of the transport vehicle while no animals have been loaded.

8. Were all the water drinkers checked and supplying running water at that time prior to loading and under the temperatures existing?

Yes.

9. Was an on board temperature recorder and driver warning fitted and in a serviceable condition? Or was the only available temp recording equipment by satellite or remote sensor?

During the vehicle/livestock inspection at the premises of loading, the APHA inspectors noted in the inspection checklist at questions 26, 27 & 28 that the vehicle was compliant with Annex I Chapter VI Article(s) 3.2, 3.3 and 3.4 of Council Regulation (EC) No 1/2005. The temperatures recorded during the supervised loading and portal checks were taken from the vehicle's onboard temperature monitoring.

10. If recorded then I am requesting the temperature data and the vehicle stopping points enroute, up to and including the Calais Port unloading, together with all the times taken from that satellite recording data.

Please see temperatures recorded from the vehicle's onboard monitoring equipment in Appendix 2. APHA do not hold any other temperature data, or satellite recorded data.

The vehicle route and stopping points have been withheld under Section 38(1) of the FOIA. Please see below for further details on Section 38.

11. Were the Sheep on board were they shorn or had a fleece of less than 7 mm in thickness?

The sheep were shorn.

12. Why as a result of the recorded temperatures was the shipment permitted to continue its journey or load sheep?

The recorded temperatures were compliant in accordance with the minimum temperatures stipulated in Annex I Chapter VI Article 3.1 of Council Regulation (EC) No 1/2005.

13. I request the driver recorded hours for this journey.

Following a search of our paper and electronic records, we have established that the information that you have requested here is not held by APHA.

14. Please confirm that the driver was under an obligation to monitor the transporter and livestock on board under the EU applicable regulations throughout the journey?

Yes.

15. Is the driver able to leave for 9 hours the livestock in the transporter totally unattended and unmonitored? Or does he have an "obligation" to the livestock on board and in transit?"

The driver and/or an attendant is responsible for the welfare of the animals during the entirety of the journey and must check the welfare of the animals at regular intervals.

Section 38(1)

Section 38(1) 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(1) 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 origin of the journey and route taken as this would identify further information and would, or would be likely to, endanger the health and safety of individuals and 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.

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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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