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Our ref: RFI 8938

3 May 2017

Dear

### REQUEST FOR INFORMATION: INFORMATION ON TRAVELLING CIRCUSES

Thank you for your request, which we received on 31 March 2017, about information received between 1 February 2017 and 31 March 2017 regarding travelling circuses. You requested:

1. Licence applications, inspection reports and other communications pertaining to Peter Jolly's Circus for the period 1 February to 31 March 2017;
2. Licence applications, inspection reports and other communications pertaining to Circus Mondao for the period 1 February to 31 March 2017;
3. Licence applications, inspection reports and other communications pertaining to Thomas Chipperfield and An Evening With Lions And Tigers for the period 1 February to 31 March 2017; and
4. Licence applications, inspection reports and other communications pertaining to other travelling circuses with wild animals for the period 1 February to 31 March 2017.

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 email of 1 February 2017 from APHA to Peter Jolly's Circus about two raccoons and an application form for a renewed licence received on 2 February 2017 by APHA from Peter Jolly's Circus, plus the accompanying paperwork (see '*RFI\_8938\_February\_to\_March\_paperwork\_redacted\_part\_I.pdf*')
- A letter of 10 February 2017 from APHA to Peter Jolly's Circus, a letter of 7 March 2017 from Defra to Peter Jolly's Circus (including a renewed licence and the renewal inspection report) and an email of 9 March 2017 from Peter Jolly's Circus about the possible addition of two raccoons to the circus' stocklist (see '*RFI\_8938\_February\_to\_March\_paperwork\_redacted\_part\_II.pdf*')
- A letter of 8 February from APHA to Mondao about the findings of Mondao's renewal



inspection; an email of 20 February from Mondao to APHA containing a 'fitness to travel' letter from their lead vet plus a response from APHA; an email of 28 February from Mondao to APHA containing further information requested; a letter of 10 March from APHA to Mondao; copies of clinical records for the licensed animals received 13 March, and a letter from Defra to Mondao of 20 March, the latter including a renewed licence and the renewal inspection report (see '*RFI\_8938\_February\_to\_March\_paperwork\_redacted\_part\_III.pdf*')

Certain information in the above documents has been withheld and/or 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/or 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.

We have also had to balance the public interest in withholding the information against the public interest in disclosure for this exemption. While we recognise that there is a public interest in disclosure of information regarding licensed circuses and that some people may wish to see all the associated documents in their entirety, disclosure of this information 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. Therefore there is a strong public interest in withholding such commercial information so that businesses can confidently provide necessary information to government. In the absence of this confidence, the government risks being unable to obtain the quality of information required to serve the greater public interest.

The information which is exempt from disclosure includes:

- Names and contact details of circus representatives or associates other than the licence holder, including details of the circus' lead vets, where these details are not already publically known;
- Pictures of circus winter quarters that would enable the location of the site to be identified;
- Names of the circus inspectors;
- Names and contact details of Defra or APHA officials below the level of the Senior Civil Service; and
- Future dates and locations from tour itineraries.

### **Information not held**

I can confirm that we do not hold any applications for a licence under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012, or any associated inspection reports or paperwork for Thomas Chipperfield's Big Cat Circus 'An Evening with Lions and Tigers' or any other travelling circus with wild animals for the period 1 February 2017 to 31 March 2017.

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](http://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,

**EIR/FOIA casework Officer**  
**Information Rights Team**  
[InformationRequests@defra.gsi.gov.uk](mailto: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](#).

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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 Nick Teall, Head of Information Rights, Area 4C, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [InformationRequests@defra.gsi.gov.uk](mailto: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