



Department
for Environment
Food & Rural Affairs

Area 4C, Nobel House
17 Smith Square
London
SW1P 3JR

T: 03459 33 55 77
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Our ref: RFI 9419
15 November 2017

Dear

REQUEST FOR INFORMATION: INFORMATION ON TRAVELLING CIRCUSES

We received your request on 18 October 2017 which asked:

“Please provide me with the following information under the Freedom of Information Act 2000.

1. Licence applications, inspection reports and other communications pertaining to Peter Jolly’s Circus for the period 1 September to 30 September 2017
2. Licence applications, inspection reports and other communications pertaining to Circus Mondao for the period 1 September to 30 September 2017
3. Licence applications, inspection reports and other communications pertaining to Thomas Chipperfield and An Evening With Lions And Tigers for the period 1 September to 30 September 2017
4. Licence applications, inspection reports and other communications pertaining to other travelling circuses with wild animals for the period 1 September to 30 September 2017”

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

- An inspection report for Peter Jolly’s Circus for a routine announced inspection on 21 September 2017. Although outside the scope of your request, for completeness also enclosed is a letter of 2 October 2017 from Defra to Peter Jolly’s Circus regarding the inspection (see *‘RFI_9419_September_paperwork_redacted_part_I.pdf’*)
- An inspection report for Circus Mondao for a routine announced inspection on 15 September 2017. Although outside the scope of your request, for completeness also enclosed is a letter of 2 October 2017 from Defra to Circus Mondao regarding the inspection (see *‘RFI_9419_September_paperwork_redacted_part_II.pdf’*)

Certain information in the above documents has been withheld and/or redacted under section 38(1) (Health and safety) and section 40(2) (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/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.

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; and
- Names of Defra or APHA officials below the level of the Senior Civil Service.

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 received during period 1 September to 30 September 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](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 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,

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 Nick Teall, 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