



Animal &
Plant Health
Agency

Animal and Plant Health Agency
Access to Information Team
Weybourne Building
Ground Floor
Woodham Lane
New Haw
Addlestone
Surrey
KT15 3NB

F 01932 357608

www.gov.uk/apha

Mr [REDACTED]
{By Email}

Our Ref: ATIC1272

22 March 2018

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information which we received on 23 February 2018. Your request has been handled under the Freedom of Information Act 2000.

The information you requested and our response is detailed below:

1. "Will you please supply me with copies of the following Journey Logs:-

JL10068	25.01.2016
JL10468	22.06.2016
JL10512	07.07.2016
JL10577	21.07.2016
JL11191	08.12.2016
JL10724	27.08.2016
JL10731	01.09.2016
JL10732	01.09 .2016
JL10865	24.09.2016
JL10866	24.09.2016
JL10620 *	18.08.2016

JL10735 * 01.09.2016

JL10830 * 15.09.2016

The requested Journey Logs can be found in the attachment 'JL's Redacted Appendix 1 to 12'. No completed Journey Log was received for JL10068, due to this, APHA no longer issue Journey Logs for this Transport Organiser.

2. The Journey Logs marked * each had Statutory Notices served. Can you please advise me for what reason were these Notices served, plus any other details you are able to provide, such as any remedial action required of the Organizer or any penalties imposed?

The requested notices served by APHA inspectors can be found in the attachment 'Notices Redacted Appendix 13, 14 and 15'.

3. I understand that an EC Network document on "checks before journeys when live animals are destined for export by road" would have been received by DEFRA in October 2017. Can you please send me a copy of this?

The requested document can be found in the attachment Appendix 16.

4. It is my understanding that under Article 27 of the Council Regulation EC 1/2005, DEFRA would have been obliged by 1st July 2017 to send to the EU Commission, details of all inspections carried out pursuant to the approval of long distance Journey Logs. Can you please send me a copy of the Report you must have submitted covering 2016, and could you please ensure that the figures are clear as to totals for GB and NI, giving a grand total for the UK?"

The requested document can be found in the attachment Appendix 17.

Please note Appendices 1 and 12 have been released in the condition they were received by APHA.

Information has been redacted under Section 38(1), Section 40(2), read in conjunction with 40(3)(a)(i) of the Freedom of Information Act (2000).

Section 38

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 information as the full addresses, including the county of origin, the destination and/or rest stops, transporter details and individual names 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.

Section 40

Some of the information contained within the requested documents have 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 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