



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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Our Ref: ATIC1585

[REDACTED]
{By Email}

5 February 2019

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information regarding Live Animal Exports which we received on 13 January 2019. Your request has been handled under the Freedom of Information Act 2000 (FOI).

The information you requested and our response is detailed below:

“Freedom of Information request Live animal export via Ramsgate Port Thursday - Saturday 10 /11/ 12 January 2019 Transporter 162 DL 839.

I am requesting under this FOI. The loading and inspection reports together with the Ramsgate Portal APHA inspection report including time of first Calf loading, on the following listed Transporter.

[Please find enclosed WIT32/WIT59 documents referred to as Appendices 1 - 4](#)

In addition I am requesting the number of persons registered under the APHA inspection as a licenced driver or licenced attendant for this Transporter.

[There is one driver listed on the enclosed WIT32 at time of loading.](#)

I am aware of the need for this transporter to unload its livestock on the 10 January at Lydden Farm for a 24 hour stop. And that a full portal Inspection may not have been undertaken on the transporter arrival at Ramsgate from Scotland . Please indicate the APHA Inspectors recorded decision taken and the reasons , for this unscheduled 24 hour livestock rest stop .In addition please supply the Lydden Farm loading report for the continuation of this Journey. I am also requesting the findings of a reported downed calf in the transporter, which later appeared to move again after some physical shaking and prodding. I am aware that following the onward journey from Lydden Farm, the channel crossing on an open decked barge took some 14 hours 30 , to include a 9 hour mooring wait north of Calais Port, for a high tide availability for entry to the inner harbour

at Calais. Hardly described as the shortest possible journey in the interests of Animal Welfare . The total journey from loading at Lydden Farm to arrival at Calais Port being approx. 16 hours. I am suggesting that without as yet receipt of the full FOI data of the APHA Loading and Portal inspection or any sight of the returned JL's this livestock Transport was already non compliant . With both the livestock and driver out of hours in terms of regulation rest. Perhaps even at this stage of my FOI enquiries you are in a position to advise the immediate stage followed for this Transporter and its livestock onboard immediately following its unloading at Calais Port.?

Current regulations allow the transporter 30 days to return the completed Journey Log to APHA. If the transporter has not complied with the agreed journey log then an Article 26 notification will be sent to the Competent Authorities responsible for the transporters that undertook the journey for them to take any regulatory action deemed necessary. Regulatory action could include suspension or withdrawal of a Transporter Authorisation or mandatory retraining for Certificates of Competence, or prosecution by the Local Authority. Any action against non-GB transporters is the remit of their Competent Authority.

Did it proceed immediately to a lairage at Abbeville? Was it inspected on arrival at Calais Port by any French veterinary or other French regulatory body? Or other action taken?

From my own observations , this shipment also suffered similar to the shipment of (8 November 2018) from being non compliant within the required regulations and livestock welfare standards”

Current regulations allow the transporter 30 days to return the completed Journey Log to APHA.

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

Section 38

Section 38 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 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 staff. This poses a substantial risk to the health and safety of individuals associated with the transportation of animals that should 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 FOI 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.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