



Animal &  
Plant Health  
Agency

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

F 01932 357608

[www.gov.uk/apha](http://www.gov.uk/apha)

Our Ref: ATIC1589

[REDACTED]  
{By Email}

6 February 2019

Dear [REDACTED]

## PROVISION OF REQUESTED INFORMATION

Thank you for your request for information regarding live animal exports which we received on 14 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:

"I am writing to request all documents available to the public relating to the live export of calves from Thursday 10th January - Saturday 12th January 2019. These include any documents from Defra, The RSPCA, Kent Police, APHA, UK Border Control, Ramsgate port and the drivers notes."

The Animal and Plant Health Agency (APHA) do not hold any other documentation from the other agencies you have mentioned above including the drivers notes and therefore we suggest you contact these agencies direct. Please see links attached:

<https://www.kent.police.uk/>

<https://www.gov.uk/government/organisations/border-force>

<http://www.portoframsgate.co.uk/>

[https://www.rspca.org.uk/home?gclid=EAlaIQobChMj-Tzz5On4AIVjpztCh20UQBPEAAAYASAAEgIEQvD\\_BwE](https://www.rspca.org.uk/home?gclid=EAlaIQobChMj-Tzz5On4AIVjpztCh20UQBPEAAAYASAAEgIEQvD_BwE)

The Inspection forms WIT 32 and 59 have been attached as Appendix 1 - 4.

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](mailto: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:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/open-government-licence.htm>

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](mailto: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