



Our Ref: ATIC2017

[REDACTED]
{By Email}

01 May 2020

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information on live animal exports which we received on 02 April 2020. Your request has been handled under the Freedom of Information Act 2000 (FOI).

The information you requested and our response is detailed below:

“Under the terms of the FOI Act, I would like to request the following data. Please note, these refer to exports of unweaned cattle for the purposes of ‘breeding’ from Great Britain (i.e. England, Scotland and Wales – not Ireland):

1. How many **unweaned** cattle (i.e. calves) have left the port of i) Dover ii) Ramsgate iii) Ipswich iv) Liverpool v) Cairnryan vi) any other port in Great Britain (not including northern Ireland) for the purposes of **‘breeding’** or ‘production’ between 1st January and 31st December 2019.
2. In each of the above cases referred to in question 1, what was the a) GB county of origin and b) destination country for each of the shipments?
3. How many (transporters) trucks were on each journey, and how many animals per transporter in each case?

The origin and destination by county/region in which the loading and unloading took place has been withheld in accordance with Section 38 (1) and section 40(2), read in conjunction with 40(3)(a)(i) of the Freedom of Information Act.

However, the country of origin and destination has been supplied in the attached Appendix 1.

See below for a description of the implementation of any exemptions applied.

The Animal and Plant Health Agency (APHA) is an Executive Agency of the Department for Environment, Food and Rural Affairs (DEFRA). For your FOI request, APHA holds

records of the transportation of live animals that originated from premises in Great Britain (England, Scotland and Wales).

4. How many animals died in transit / before arrival at the final destination in each journey (and what the recorded reason for this death was)?
5. On what date did each of these crossings occur?
6. Any statutory notices that were issued during each of the journeys listed in response to question 1.
7. According to the journey plan / logs, what was the **a) estimated b) actual journey i) time ii) distance for each of the above journeys (including proposed lairage / rest stops during the journey/ journey cycle)?**”

Please see attached at Appendix 1 for the information requested from 1 January and 31 December 2019. There were no sailing from Ipswich or Liverpool.

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.

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 region of origin and the region of destination 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 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.

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 region of origin and the region of destination 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 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.

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Section 40

Some of the information contained within the request (County level) has 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 2018 (DPA).

APHA consider that disclosure of the information to County/Region level is likely to narrow down the likelihood of identifying individuals and 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. It must also be recognized that a release of information under the Freedom of Information Act is a release to 'the world'. 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.

An Annex is attached 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. During the current Coronavirus outbreak, our offices will be closed.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gov.uk

Annex

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 or logos) can also be 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](#).

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 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to the Access to Information Manager at the address at the top of this letter or email enquiries@apha.gov.uk and the team will arrange for an internal review of your case.

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's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted APHA's own complaints procedure. The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Coronavirus

However, following the changes to Government advice, from Tuesday 24 March 2020 the ICO offices will be closed. They will therefore not be able to collect correspondence sent via post. Where possible, they ask that you [contact them online](#) or call on 0303 123 1113