



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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Our Ref: ATIC2149

[REDACTED]
{By Email}

17 September 2020

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information regarding giraffe data which we received on 26 August 2020. Your request has been handled under the Freedom of Information Act 2000 (FOI).

The information you requested and our response is detailed below:

“We request the records detailed below, for the following species:

Giraffe (*Giraffa camelopardalis*).

We request the following records dated from 29 August 2019 through to whenever this request is processed:

1. All non-detriment findings (positive or negative) or general advices made or received by the Department for Environment, Food and Rural Affairs (DEFRA) pertaining to UK imports of any type of giraffe specimen;
2. All legal acquisition findings (positive or negative) or advice for imports made or received by DEFRA regarding UK imports of any type of giraffe specimen;
3. All valid CITES documents received regarding UK imports of any type of giraffe specimen;
4. All DEFRA decisions (positive or negative) regarding UK imports of any type of giraffe specimen;

Animal and Plant Health Agency (APHA) can confirm that seven applications have been received for *Giraffa Camelopardalis* since 29 August 2019. Please see the table below which provides the information available on the individual application forms, but in a tabulated form; which should make it suitable for you to analyse. APHA hopes this will be satisfactory for your purposes.

APHA is an Executive Agency of the Department for Environment, Food and Rural Affairs and also works on behalf of the Scottish Government, Welsh Government and Food Standards Agency to safeguard animal and plant health for the benefit of people, the environment and the economy.

Table 1

Application ID	Type	Status	Received	Export Country	Non Detriment Findings	Legally acquired?
588211/1	Import Permit	Issued	09/12/2019	South Africa	NDF made	Legally acquired
588211/2	Import Permit	Issued	09/12/2019	South Africa	NDF made	Legally acquired
588211/3	Import Permit	Issued	09/12/2019	South Africa	NDF made	Legally acquired
589406/1	Import Permit	Issued	13/03/2020	South Africa	NDF made	Legally acquired
589620/1 R	Import Permit (Retrospective)	Refused	26/02/2019	South Africa	NDF made	Legally acquired
591279/1	Import Permit	Issued	04/06/2020	South Africa	NDF made	Legally acquired
592715/1	Import Permit	Issued	13/07/2020	South Africa	NDF made	Legally acquired

APHA can provide copies of the Import Permits for Applications 591279/1 and 592715/1, please see Appendix 1 and 2. Some of this information is being withheld under Section 40(2) of the Freedom of Information Act (2000).

Application 589620 was refused, and so no permit was issued.

The paperwork for Applications 588211 and 589406 is not held in the same format and would take additional time to locate; it is therefore exempted from release citing Section 12 of the Freedom of Information Act 2000 (FOIA 2000).

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 2018 (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.

Section 12

Section 12(1) of the FOIA allows us to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate limit, which currently stands at £600. On the basis of our estimates, we consider that the cost for locating the documents would exceed this limit and, as such, we are refusing your request.

Public Interest Test

By virtue of regulation 12(2) of the FOIA, APHA may refuse to disclose information if the request for the information would involve the diversion of resources and incur excessive cost, in all the circumstances of the case, the public interest in applying the exemption outweighs the public interest in disclosing the information. In reaching a decision with respect to the public interest, the following matters were considered:

APHA recognise that there is a public interest in disclosure of information on the imports of Giraffe (*Giraffa camelopardalis*). Regulation 12(2) of the FOIA also requires public authorities to apply a presumption in favour of disclosure. However, there is a strong public interest in withholding the information. Your request requires review of a substantial amount of information held in various areas within APHA offices. Gathering this specific information together would involve a significant cost and diversion of resources from APHA's other work. APHA have provided the information in tabulated form from our systems hopes this will be satisfactory for your purposes. Where paperwork is readily available this has been provided.

APHA consider that your request falls under regulation 12(2) on cost and resource grounds in determining whether all the information is held. Having carried out the above public interest test, APHA have concluded that, in all the circumstances of the case, the public interest falls in favour of applying the exemption.

5. All DEFRA communications sent to or received from foreign government entities regarding UK imports of any type of giraffe specimen; and

Animal and Plant Health Agency (APHA) can confirm that there have been no communications during the requested time period.

6. All DEFRA communications sent to or received from other persons or entities regarding UK imports of any type of giraffe specimen.

Please see information below regarding communication received during the requested time period.

Date	Enquiry	Answer
05/06/2020	Is an import permit required for giraffe trophies from South Africa	Species can be imported under the Personal Effects Derogation

We request these records as to all UK imports of any type of giraffe specimen, regardless of the country of export.

Specifically, we intend the scope of this request to include findings and CITES documents regarding UK imports of giraffe specimens from countries that filed Reservations to the giraffe's CITES Appendix II listing (Botswana, Eswatini, Democratic Republic of the Congo, Namibia, South Africa, United Republic of Tanzania, Zambia and Zimbabwe).

If you determine that portions of the records requested are exempt from disclosure, we request that you: (1) identify each such record with specificity (including date, author, recipient, and parties copied); (2) explain in full the basis for withholding responsive material; and (3) segregate the exempt portions and deliver the remaining records."

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.

Most documents produced by APHA will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

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