



Animal &  
Plant Health  
Agency

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Our Ref: ATIC2365

[REDACTED]

{By Email}

13 April 2021

Dear [REDACTED]

## **PROVISION OF REQUESTED INFORMATION**

Thank you for your request for information on Salmon Farms which we received on 09 March 2021. Your request has been handled under the Freedom of Information Act 2000 (FOIA).

The information you requested and our response is detailed below:

“Please provide information on salmon farms since 1 January 2020.

Please include copies of any reports, emails, letters, photos, videos, assessment and any other information relating to salmon farms.

This would certainly include any information relating in any shape or form to monitoring, surveillance, visits and what many people would refer to as 'inspection' of salmon farms where APHA accompanies the Scottish Government's Fish Health Inspectorate.”

The information you have requested can be found at Appendices 1 – 33.

Following careful consideration, we have decided that some information should be redacted (blacked out) under the following exemptions:

### **Section 40 – Personal Information**

The information being withheld falls under sections 40(2) and 40(3A) of the FOIA as the information constitutes personal data relating to persons other than you. These sections exempt personal information from disclosure if it relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data

because individuals names and details such as telephone numbers, are held to allow APHA to conduct our business. Those persons, such as APHA staff, farmers and veterinary surgeons would not reasonably have expected their names and identifiable details to be made public. This is an absolute exemption and does not require a public interest test.

### **S31 – Law Enforcement**

The information gathered at the time of visit is the information that would be used, if appropriate, to forward to the necessary authorities, such as the Local Authority for the purpose of ascertaining whether any person has failed to comply with the law. Releasing this information before any legal action may or may not be taken by a Local Authority would harm inspections carried out by themselves. The alleged information received by APHA will contain unverified information and would require other authorities to inspect and investigate themselves.

This exemption requires a public interest test.

### **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 transparency and aid well-informed debates concerning the welfare of fish, and the individuals associated with them.

However the release of alleged welfare issues would be likely to disrupt APHA's welfare visits to investigate and would be likely to prejudice the ability for the Local Authorities and/or Fish Health Inspectorates to perform their functions. They may need to use APHA's information to take legal action in the future. Such information is either volunteered by a confidential source, for example someone who has provided information on the understanding that they will not be identified and the information and identity of its source will be protected. Releasing this will discourage allegations/reports to be made to APHA for the benefit of fish welfare in the future.

Even where the provider of the information is not a confidential source, APHA consider there is still a public interest in not releasing the details of those providing information so as to not discourage others from providing information on a voluntary basis.

Having carried out this test we feel that there is a stronger public interest in withholding the information, specifically the name, address and un-substantiated allegations made in the form of a complaint.

As a further reminder of APHA's role please take note of the following:

It may help to provide a brief historical synopsis of the relationship between the Animal and Plant Health Agency (APHA) and the Fish Health Inspectorate (FHI).

Prior to 2012 we can find no records of any direct involvement of SVS/Animal Health/AHVLA/APHA with the FHI. Farmed fish are covered by the Animal Health and Welfare (Scotland) Act 2006 but not by Welfare of Farmed Animals (Scotland) Regulations 2010.

In 2012 Scottish Government asked AHVLA (now APHA) to develop capability to respond to welfare complaints regarding farmed fish. The intention was that AHVLA vets would develop an understanding of the context of fish farming, develop knowledge of the veterinary issues and be able to work with the FHI to ensure that effective action could be taken in cases of non-compliance with welfare legislation. AHVLA would contribute their expertise as regulators and experience of liaison with enforcement agencies if required.

As part of the APHA response, vets have been attending scheduled inspections with the FHI of fish farms since 2013.

The APHA are responsible for investigating allegations relating to the welfare of farmed fish. We do not have the same role as Scottish Government and would not necessarily retain the same information or need to retain it to undertake our role. For example we do not necessarily take photos during visits. The Scottish Government have explained, that they do not always take photographs and have explained that they do not have a statutory requirement to do so. You have asked to include photos and information relating to those photos taken as part of our inspections. APHA can confirm that no photographs were taken during inspections from 1 January 2020 to the date of your request. Therefore we hold no information relating to photos taken. We can confirm this part of your request is no information is held.

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](mailto: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](mailto: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

If you need to contact the ICO during the Coronavirus pandemic, it's best to do so online. Please click [here](#) for contact details. You can also call them on 0303 123 1113.