



Our Ref: ATIC2442

[REDACTED]
{By Email}

15 July 2021

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information about On Farm Kill Services Framework Agreement, which we received on 29 July 2021. Your request has been handled under the Freedom of Information Act (FOIA) 2000.

The information you requested, and our response is detailed below:

“We officially request under F.O.I.A. for the On Farm Kill Services Framework Agreement (Project 23866) for you to provide us with the details of all orders made from the 1st April 2021 to current date 28th June 2021 pursuant to the above framework agreement, including the following:

- 1 Date of the order.
- 2 Whether the order included PME and, if so, the date of the PME;
- 3 Identity of the provider who was awarded the order together with their relevant Base Location for the order workings logistically (example if the contractors has more than one PME site, which site was used);
- 4 Full address of the Notified Premises and confirmation as to how the location of the Notified Premises was identified (i.e. central parish or holding number, which was used for the information entered into the platform criteria);
- 5 CPH of the relevant Notified Premises-as some keepers have a CPH number but the animals are not based at that location, so which location or CPH was used;
- 6 Species and age of the Animal/s;
- 7 Whether the order related to multiple species;
- 8 Date the order was completed by the supplier; and
- 9 Whether the provider was the chosen Contractor set by the Platform Tool, or whether there were the second option to collect the animal/s.”

The majority of the information you have requested can be found in Appendix 1 attached.

However, some of the information you have requested has been exempted from release using Sections 40 and 43 of the Freedom of Information Act (FOIA) 2000. This has been referenced on Appendix 1.

The 3rd party information you have requested has been exempted under Section 40 of the FOIA.

Please note that under Section 43 of the FOIA we are unable to disclose information that would be likely to prejudice the commercial interests of any person, and as such exemptions have been applied.

Section 40

Sections 40(2) and 40(3A) of the FOIA exempt personal information from disclosure if that information 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 (County Parish Holding - CPH) 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 the individuals would not reasonably have expected their details to be made public. As a response to a FOI request is considered a response to the wider public domain, information including that which you already hold as the contractor have also been redacted. In this case the holding number and post code has been redacted leaving the County and Parish numbers and first set of digits which APHA believe may go some way to answering your question without disclosing 3rd party information. The supplier, base location and awarded provider have also been removed as this would be 3rd party information.

Section 40 is an absolute exemption and does not require a Public interest test.

Section 43

Section 43(2) of the FOIA exempts information if its disclosure under the Act would or would be likely to prejudice the commercial interests of any person. The exemption in Section 43 is subject to a Public Interest Test to ensure it is being appropriately applied.

Public Interest Test

APHA has determined that the information would allow competitors to work out its pricing mechanism as orders are allocated using a selection methodology based on the prices they provided as part of the tender.

In this case there is a real risk of commercial prejudice to businesses and to their ability to compete and a very strong likelihood that this would then lead to financial losses. We recognise that there is a general presumption in favour of openness and transparency concerning our work and providing the public with the right to request access to information held by public authorities.

We also recognise that this would increase transparency and aid well-informed debates concerning our contracted work.

However, our relationship with our customers is based on trust. Releasing this information could prejudice the commercial interests of any such establishments. This could then lead to financial losses.

Furthermore, this would result in breach of confidentiality between APHA and its customers and could potentially lead to an adverse working relationship and interfere with APHA carrying out its statutory duties.

We therefore conclude this exemption is maintained as the commercial interest of our customers outweighs that of the public right to know.

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 or postal address at the top of this letter.

Postal requests during the COVID-19 outbreak

We are currently experiencing delays in replying to post that we have received. You should send queries to the relevant email address (details below) wherever possible. Please remember to include a return email address.

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

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.