



Animal &
Plant Health
Agency

Animal and Plant Health Agency
Access to Information Team
Woodham Lane
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Surrey
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enquiries@apha.gov.uk

www.gov.uk/apha

Our Ref: ATIC2751

[REDACTED]

{By Email}

17 May 2022

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information about complaints received, which APHA received on 23 April 2022. Your request has been handled under the Freedom of Information Act (FOIA) 2000.

The information you requested and the response is detailed below:

“Please provide copies of all complaints made to APHA Scotland 14 December 2021 to 31 January 2022.”

Clarity was received from you on the 26 April 2022 as follows:

“please could the complaints be categorized as to which office received the complaint Ayr, Galashiels, Inverness, Inverurie, Perth”

APHA Scotland received one complaint within the time period stated. The complaint was received via the Scottish Government, no individual offices have received complaints.

The details of the complaint are being withheld citing Section 40 of the Freedom of information Act (FOIA) 2000.

Section 40

APHA does hold the information that you have requested, but have decided that the information should be withheld 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 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).

APHA consider that disclosure of this information is likely to breach the first data protection principle in Article 5(1)(a) repeated in 35(1) DPA, which provides that personal data must be processed lawfully, fairly, and in a transparent manner in two ways. First, disclosure would not constitute 'fair' processing of the personal data, second, disclosure of that information would not be 'lawful'.

As such the complainant would hold a reasonable expectation that the complaint is for APHA's use only and not disclosed to third parties.

Under section 40 of the FOIA the term "personal data" means any information relating to an identified or identifiable living individual. "Identifiable living individual" means a living individual who can be identified, directly or indirectly.

APHA 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 or postal address at the top of this letter.

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.