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[Redacted]

By email: [Redacted]

Our ref: EIR2021/04679
10 March 2021

Dear [Redacted]

REQUEST FOR INFORMATION: Testing of Culled Badgers

Thank you for your request for information of 19 February 2021 about the testing of culled badgers. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

How many badgers were tested for TB in Oxfordshire in the badger cull 2020? What were the results?

No badgers were tested for TB in Oxfordshire as we do not routinely carry out post-mortem examinations on badgers removed in licenced culling operations with the exceptions of those removed from the Low Risk Area in "Area 32 – Cumbria" and "Area 54 – Lincolnshire".

The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner's Office (ICO), who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the ICO's view, Defra has not conducted a public interest test in this case.

How many badgers were tested in the badger cull in 2020 (all areas)? What were the results?

The information you requested is being withheld as it falls under the exception in regulation 12(4)(d) of the EIRs, which relates to material that is still in the course of completion, unfinished documents and incomplete data.



As described in the response to part 1, badgers removed from two areas are submitted for post-mortem. The results you have requested, and analysis are currently in the course of completion and will be published in due course.

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure.

Defra recognises that there is a public interest in understanding the work of Government. We also understand that information in relation to bovine TB surveillance in badgers is a subject of public interest and we accept that providing such information when it is ready for publication is important in demonstrating the transparency of public policy and publicly funded research.

However, releasing information before the results are complete, fully reviewed and finalised would risk misleading the public and may not provide an accurate reflection if it has to be revised as part of the process. Defra will be publishing the information in due course and it will be available to all interested parties on the following website: <https://www.gov.uk/government/publications/bovine-tb-surveillance-in-wildlife-in-england>. There would therefore not be any further public interest to be served by early disclosure of the information which will be available to all interested parties in due course.

Therefore, we have concluded that in the circumstances of part 2 of your request, the information should be withheld.

We attach an annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the address below.

Yours sincerely

[Redacted]

Information Rights Team

InformationRequests@defra.gov.uk

Annex

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 [Redacted], Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

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 Defra's own complaints procedure.

The ICO's offices are currently closed so please visit their website on how to contact them during this period, here:

<https://ico.org.uk>

Additionally if you wish to make a complaint to the ICO please use the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>