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[Redacted]

By email: [Redacted]

Our ref:  
EIR2020/23493  
25 September 2020

Dear [Redacted]

## REQUEST FOR INFORMATION: Defra Funded Edge Area Badger Survey

Thank you for your request for information of 11 September 2020 about the Defra funded Edge Area Badger Survey. 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:

- 1) *Please can you provide me with the results of the DEFRA funded Edge Area Badger Survey of road kill badgers.*

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. The survey results you have requested and further analysis will be published in due course. Peer-review is a mandatory step for a publication of this type. Early release of the data can prejudice the peer-review process and lead to further delays in publication.

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 public funded research.



Releasing information before all of the research has been fully reviewed and finalised would, however, risk misleading the public, since that information may be subsequently revised as a consequence of peer review. This would not be in the public interest. Defra will be publishing the information in due course. It will be available to all interested parties as soon as possible.

Therefore, we have concluded that in all the circumstances of the case, the information should be withheld.

**2)** *If you cannot provide me with this data, please can you provide me with the date on which the data will be published.*

We can confirm that this information is not held by Defra. We do not yet know when the data will be published.

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

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 me.

Yours sincerely

[Redacted]

**Information Rights Team**

[InformationRequests@defra.gov.uk](mailto: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 <sup>[Redacted]</sup>, Head of Information Rights via email at [InformationRequests@defra.gov.uk](mailto: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>