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By e-mail: [Redacted]

Our ref: EIR2021/16498  
23 July 2021

Dear [Redacted]

**REQUEST FOR INFORMATION: Statutory Advice Relating to the Badger Cull**

Thank you for your request for information of 27 June 2021 about statutory advice relating to the badger cull. 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.

*In or around 2011 and 2012, Natural England submitted two pieces of written statutory advice to the Secretary of State for Defra relating to the evidential basis for badger culling as part of the Government's response to bovine Tb; and the likely efficacy of the proposed approach. I would like this information to be provided to me in the form of electronic copies. However, I understand that this advice has previously been released under the Freedom Of Information Act to previous applicants, though I can find no record of it in the public domain. If it is simpler for you to send me a link to the material where it is currently available on a Government website, that would be very helpful.*

We enclose copies of the information you requested at Annexes C and D.

We have decided that some of the information in Annex D, namely a map detailing the location of badger control areas in proposals being developed by local farmer groups, should be withheld as it falls under the exception in regulation 12(5)(a) of the EIRs, which relates to the disclosure of information that would adversely affect public safety.

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

We recognise that there is a public interest in disclosure of information concerning badger culling. We understand that release of such information shows transparency within government and enables the public to understand matters that are being discussed.

However, on the other hand, there is a stronger public interest in withholding the



information because, as a public body, Defra has a responsibility to protect the safety of individuals. We are satisfied that the release of this information would allow parties to identify individual participants in badger control operations. We consider that release of this information could lead to participants being more easily targeted for the purpose of objection. Animal rights activists object to this policy and target participants. Releasing this information will result in a higher risk of unwanted contact or interference from persons wishing to object to the project and harass/harm the participants involved. It is not in the public interest that participants are subjected to unnecessary harassment or put at risk. Whilst it is a public right to object, this right must be balanced against issues of security and safety. We believe that these are legitimate concerns sufficient to allow Defra to engage this exception and withhold the information.

After careful consideration we have also decided that the names, roles and contact details of junior staff and contact details of all staff should be withheld and redacted in the attachments under regulations 12(3) and 13(1) and (2A) of the EIRs as the information constitutes personal data relating to persons other than you. These regulations 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 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 junior staff involved would not reasonably expect their names, roles and contact details to be disclosed in relation to this request for information, and equally the senior members of staff would not reasonably expect their contact details to be disclosed in relation to this request.

Information disclosed in response to this EIRs request is releasable to the public. In keeping with the spirit and effect of the EIRs and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.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.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B 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](mailto:InformationRequests@defra.gov.uk)

## **Annex A**

### **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 be also 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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## **Annex B**

### **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](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>

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/>