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[Redacted]

By email: [Redacted]

Our ref: EIR2022/23312  
2 December 2022

Dear [Redacted],

**REQUEST FOR INFORMATION: Badger disease control licence**

Thank you for your request for information of 8 November 2022 about badger disease control licence. 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.

*Please can you provide the following information:*

- 1. Any information (memos/emails/meeting minutes etc) that discuss why the badger disease control licence for Derbyshire for 2022 nor the minimum and maximum number of badgers that were to be culled in the UK was not released to the public at the same time as in usual years.*

We are writing to advise you that the information that you have requested is not held by Defra.

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.

However, under our duty to advise and assist applicants in pursuance of regulation 9, we can inform you that there is no specific time set down for release of new licences and associated information. Section 45 of Defra's guidance to Natural England on 'Licences to kill or take badgers....' [Guidance to NE: Licences to kill or take badgers for the purpose of](#)



[preventing the spread of bovine TB under section 10\(2\)\(a\) of the Protection of Badgers Act 1992 \(publishing.service.gov.uk\)](#) states: *'Natural England should disclose as much information as practically possible. Each year, or more frequently if appropriate, Natural England should, as a minimum, publish on its website the numbers of applications received and licences granted, and for each licence issued: a. the county or counties included within the licensed area; b. the size of the licensed area; c. the number of badgers reported culled by each method; and d. the number of non-target species caught and culled.'* Publication of new licences granted, minimum and maximum numbers of badgers to be culled and associated documentation was later than usual due to internal clearance delays with the changeover in previous Ministers.

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 [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 can be contacted using the following link:

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