



Department
for Environment
Food & Rural Affairs

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[Redacted]

By email: [Redacted]

Our ref:
EIR2020/26176
29 October 2020

Dear [Redacted]

REQUEST FOR INFORMATION: Badger Cull

Thank you for your request for information of 2 October 2020 regarding various requests relating to this autumn's 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.

1. *Any ministerial submissions relating to this autumn's badger cull.*
2. *The analysis relating to badger culls and this autumn cull.*
3. *The business case covering the spend of taxpayer's money on this year's badger cull.*
4. *Emails relating to this year's badger cull.*
5. *The DEFRA announcement and press release on this autumn badger cull.*

We want to be as open as possible in answering requests. The EIRs also require us to provide advice and assistance to help people obtain the information they are looking for and make good use of the EIRs. Unfortunately, your request is very broad and covers an enormous amount of information. Gathering it together would therefore involve a significant cost and diversion of resources from the Department's other work.

By virtue of regulations 12(1) and 12(4)(b) of the EIRs, Defra may refuse to disclose environmental information if the request for the information is manifestly unreasonable and, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

We consider that your request is manifestly unreasonable under regulation 12(4)(b) on cost grounds and, having carried out the above public interest test, we have concluded that, in all the circumstances of the case, the public interest falls in favour of maintaining the exemption.

In reaching our decision with respect to the public interest, we considered the following matters:

We recognise that there is a public interest in disclosure of this specific information in order to increase transparency and aid well-informed debates regarding this autumn's badger cull and associated decision-making correspondence. Regulation 12(2) of the EIRs also states that public authorities should apply a presumption in favour of disclosure.

However, on the other hand, there is a stronger public interest in withholding the information due to the disproportionate amount of time and cost that would be incurred by the department to collate part 4 of the request. We can inform you that there are a large volume of emails sent and received relating to the badger cull. Even narrowing down to a timescale of one day would generate hundreds of emails which would take a disproportionate amount of time to search for, check whether any exemptions apply and do any necessary redactions. This would then cause a diversion of resources from our main policy functions, which is not in the public's interest to do so. We have concluded that your request as it stands is manifestly unreasonable in accordance with regulation 12(4)(b) of the EIRs.

However, regulation 9 of the EIRs requires public authorities to provide advice and assistance to applicants where reasonable. We have therefore provided details below to assist you to formulate a request that can be handled at less cost.

We would suggest that you remove part 4 of your request in order that we can handle your request at less cost.

Additionally, we can inform you that information relating to this year's badger cull can be found at the following links:

<https://www.gov.uk/government/publications/bovine-tb-badger-control-policy-value-for-money-analysis/badger-control-policy-value-for-money-analysis-2020>

<https://www.gov.uk/government/publications/bovine-tb-authorisation-for-badger-control-in-2020>

Natural England (NE) are the licensing authority for wildlife control and you may wish to consider corresponding with NE regarding elements of your queries. They can be contacted at the following email address:

foi@naturalengland.org.uk

Please note that we will handle your modified request as a new request. The 20-working-day timescale for responding to requests will therefore commence from the date that we receive the modified request.

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

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>