



Department
for Environment
Food & Rural Affairs

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[Redacted]

By email: [Redacted]

Our ref: FOI2020/19652
26 August 2020

Dear [Redacted]

REQUEST FOR INFORMATION: Defra Funded Edge Area Badger Survey

Thank you for your request for information of 28 July 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:

The DEFRA funded Edge Area Badger Survey of road kill badgers was a one year collaborative project carried out by the Universities' of Nottingham, Liverpool and Surrey. They undertook a survey of badger carcasses using road-killed/traffic-accident carcasses, collected by approved groups including animal health professionals, farmers, landowners and wildlife groups, for evidence of bovine tuberculosis. The work included culturing isolates and spoligotyping and whole gene sequencing. The project was run during 2016/2017 but, three years later, the results of the study have not yet been published.

- A) *Please provide copies of any and all correspondence, documents or records held in any form (including but not confined to physical, digital, telephonic, or raised in the course of discussion or meetings with others) which commission or otherwise initiate, support, or agree to research being conducted by Universities' of Nottingham, Liverpool and Surrey into the prevalence of bovine TB in badger carcasses allegedly recovered from highways of any description.*
- B) *Please provide any and all correspondence, documents or records held in any form (including but not confined to physical, digital, telephonic, or raised in the course of discussion or meeting with others) between Defra and APHA or Natural England or others instructing or commissioning APHA or Natural England or others to commission such a study, or which asked APHA to commission or request that such a study should be undertaken by any of the three Universities' of Nottingham, Liverpool and Surrey.*



C) Please provide copies of any reports from the named universities, researchers associated with them or representing them, APHA, Natural England or any other organisation or person about such a study or its results (however interim, draft, or provisional) which purport to describe the prevalence of bovine TB in recovered badger carcasses.

D) Please provide copies of any and all reports received by Defra, from the named universities, researchers associated with them, or representing them, APHA, Natural England or any other organisation or person which indicated or established the cause of death of any of the recovered badger carcasses.

We want to be as open as possible in answering requests. Unfortunately, the amount of information you have requested is very substantial and gathering it together would 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 information concerning the Defra funded Edge area badger survey. We understand that information in this area will open debated topic and we recognise that disclosure may enhance the public understanding of the work of Government and aid accountability and transparency. Regulation 12(2) of the EIRs also permits 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 in order to collate the requested information. For the purposes of the FOIA Defra and the Animal and Plant Health Agency (APHA) are the same legal entity. This means any information they hold Defra holds. Your request is particularly broad and to search for the information you have requested would involve a large amount of employees in Defra and APHA searching both current and historical records for any information within scope. In addition due to the current Covid 19 pandemic most of Defra's offices are either closed, or have very limited access. This means that it would be difficult or impossible to carry out searches to access physical records that may exist relating to your request. Your request would require a disproportionate effort and diversion of resources from the policy teams primary functions.

We have concluded that conducting the appropriate searches is a significant material cost on Defra. Therefore the public interest in withholding the requested information outweighs the public interest in its disclosure.

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 burden.

The best way we can help you is to ask you to consider narrowing down your request to focus more clearly on the precise information you are seeking. You could, for example:

- identify to us a restricted time period you wish the information to cover; **and**
- restrict your request to digital information only. This would cut down the scope of the request and make the response simpler to coordinate; **and**
- ask us to omit information that falls within scope of your request but would add nothing to your understanding of the matter, e.g. housekeeping emails, such as meeting requests and acknowledgements and draft documents, where the finalised document also falls within the scope of the request.

Additionally I can advise that some of the information you are requesting is due to be published by Defra on the <http://randd.defra.gov.uk/> website in due course.

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>