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[Redacted]

By email: [Redacted]

Our ref: EIR2021/17544  
8 July 2021

Dear [Redacted],

## REQUEST FOR INFORMATION: Badger Cull and Scientific Evidence

Thank you for your request for information of 6 July 2021 about the badger cull and scientific evidence. 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.

*"I will ask you again - please provide me with the scientific evidence you pride this cull on."*

We understand your request to relate to information that post-dates Professor Sir Charles Godfray's independent review of the science published in 2018.

By virtue of regulation 12(1) of the EIRs, Defra may refuse a request for information if it meets the terms of one of the limited exceptions 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 the grounds that it is vexatious and we have concluded that, in all the circumstances of the case, the public interest falls in favour of maintaining the exception.

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

We recognise that there is a public interest in the disclosure of information concerning the badger cull as it aids transparency and accountability within Government. This is why we proactively publish information concerning this area of work.

However, there is a stronger public interest in refusing this request because we have reason to believe that you have also submitted requests for the same information via the [whatdotheyknow.com](http://whatdotheyknow.com) forum, under a slightly different name. We have come to this conclusion because the similarities in language and formatting are so clear that they



cannot be accidental. All of these requests have already been dealt with in accordance with the EIRs and FOIA.

Since February this year you have sent Defra 24 emails in relation to the badger cull using the name "[Redacted]". These have received responses, including one request that was handled under the EIRs. Since April 2021 we have also received five requests via whatdotheyknow.com in the name of "[Redacted]" that show distinct linguistic similarities that have led us to the conclusion that both streams of correspondence come from one person. In respect of the correspondence via whatdotheyknow.com, four of our responses were challenged, and in our internal reviews we maintained our position that the information is not held by Defra. Additionally, at least 6 further emails on the same topic have been submitted by "[Redacted]" via whatdotheyknow.com which did not amount to information requests. These were therefore handled as general correspondence rather than under the EIRs/FOIA.

In relation to this particular request received on 6 July 2021 we responded to your [Redacted], on 28 June 2021 on the same matter.

We therefore believe that you have adopted an unreasonable approach in submitting information requests in two separate names for specific information we have already said we do not hold or have provided. Due to your persistence in submitting repeat requests for the same information, the burden and disruption this creates for Defra and its staff, and given the history laid out above, we have decided that your request is manifestly unreasonable under regulation 12(4)(b) on the grounds that it is vexatious.

Any further requests for the same information will be handled in the same way.

We attach an annex giving contact details should you be unhappy with the service you have received.

Yours sincerely

**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 give 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 for information 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/>