



Department
for Environment
Food & Rural Affairs

Nobel House
Area 1E
17 Smith Square
London
SW1P 3JR

T: 03459 33 55 77
helpline@defra.gov.uk
www.gov.uk/defra

[Redacted]

Bye email: [Redacted]

Our ref:
EIR2020/22996
23 September 2020

Dear [Redacted]

REQUEST FOR INFORMATION: Genetic Variation of Badger Population

Thank you for your request for information of 7 September 2020 about the impact of badger culling on genetic variation of England's badger population. 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:

"Have Defra carried out any scientific studies (or any other assessment) to see if the badger cull will result in a loss of within-species genetic variation of England's Badger population and if yes can you direct me to a copy of the study(s) or other evidence please? If there has been no study or assessment can you please explain what evidence the decision to not undertake a study or assessment was based on?"

Requests made to a Public Authority (PA) under the EIRs or the Freedom of Information Act 2000 (FOIA) would be for information that is held in a recorded format only. Requests for views or explanations would not amount to a valid request under these regimes.

That said, following a search of our paper and electronic records, we can confirm that that Defra has not conducted any scientific studies (or any other assessments) to see if the badger cull will result in a loss of within-species genetic variation of England's Badger population. Therefore, 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.

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>