



Animal &
Plant Health
Agency

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Our Ref: ATIC3109

Matthew Davis
{By Email}

31 May 2023

Dear Matthew Davis

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information about Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR), which the Animal and Plant Health Agency (APHA) received on 2 May 2023. Your request has been handled under the Freedom of Information Act (FOIA) 2000.

The information you requested and the response is detailed below:

“How many incidents in the last financial years (22/23) did you record under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR)?

For each of these incidents please provide me with any reports your agency holds in relation to the incidents accepting that personal details will have to be redacted to comply with S.40.”

APHA can confirm that six RIDDOR incidents have been recorded. The associated reports are attached as Appendix 1-6.

Section 40

Some of the information contained within the requested documents has been withheld under section 40(2), read in conjunction with 40(3)(a)(i) (third party personal data), of the FOIA as the information constitutes personal data relating to a third party. Section 40(2), read in conjunction with 40(3)(a)(i), of the FOIA provides that personal data relating to third parties is exempt information if disclosure would breach the Data Protection Act 2018 (DPA).

APHA consider that disclosure of this information is likely to breach the first data protection principle in Schedule 1 of the DPA, which relates to the fair and lawful processing of personal data, in two ways. First, disclosure would not constitute ‘fair’ processing of the personal data, second, disclosure would not satisfy any of the

APHA is an Executive Agency of the Department for Environment, Food and Rural Affairs and also works on behalf of the Scottish Government, Welsh Government and Food Standards Agency to safeguard animal and plant health for the benefit of people, the environment and the economy.

conditions for data processing set out in Schedule 2 to the DPA. Therefore, we have concluded that this information is exempt from disclosure under section 40 of the FOIA.

Section 38(1)(b)

Section 38 refers to the exemption from the duty to provide information if it would or would be likely to affect anyone's health or safety. The exemption in Section 38 is subject to a Public Interest Test to ensure it is being appropriately applied.

Public Interest Test

We recognise that there is a general presumption in favour of transparency and openness concerning our work and providing the general public with the right to request access to information held by public authorities.

We also recognise that there is a public interest in disclosure of this specific information in order to increase transparency and aid well-informed debates concerning work involving animals, and the individuals associated with them.

However, we feel that there is a stronger public interest in withholding the information as the specific location information of the work involving animals would identify further information and would, or would be likely to, endanger the health and safety of staff. This poses a substantial risk to the health and safety of individuals associated with this type of work that would be of significant severity and likely to occur in some cases. We consider this to be a significant factor in favour of maintaining the exemption.

APHA has balanced the real threat to the health and safety of individuals which disclosure of the requested information would be likely to cause, against the public interest arguments in favour of disclosure. In this instance the APHA does not consider that disclosing the information requested in order to inform public debate and to promote accountability and transparency would justify the risk to individuals' health and safety.

Information disclosed in response to this FOI request is releasable to the public. In keeping with the spirit and effect of the FOI and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on GOV.UK, together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

An Annex is attached which explains the copyright that applies to the information being released to you and contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the Access to Information Team at the email address below or postal address at the top of this letter.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gov.uk

Annex

Copyright

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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 the Access to Information Manager at the address at the top of this letter or email enquiries@apha.gov.uk and the team will arrange for an internal review of your case.

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 APHA's own complaints procedure.

The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Please click [here](#) for further contact details.