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[Redacted]

By email: [Redacted]

Our ref: FOI2024/10893  
12 June 2024

Dear [Redacted],

### **REQUEST FOR INFORMATION: XL Bully dogs and location data for those issued with Certificates of Exemption**

Thank you for your follow-up request for information of 21 May 2024 about XL Bully dogs and location data for those issued with Certificates of Exemption. We have handled your request under the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

*In that case, could I alter my request to cover the location data for those issued with a Certificate of Exemption.*

*ie.:*

*Under the Freedom of Information Act, I would like to request all of the postcodes which were issued with a Certificate of Exemption, and the number of dogs per postcode/location. So if there were Certificate of Exemption applications for 23 dogs in the MK10 7PG area, the entry would read:*

<i>MK10 7PG</i>	<i>23</i>
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*If the department believes that it cannot release full postcodes under GDPR etc, I would be happy to only receive the first part of the postcodes (ie. the number of dogs applied for in the MK10 postcode area in the example above). Similarly, if the department holds location information in another format (e.g. LSOA or MSOA) that it would be easier for Defra to provide, this would work just as well.*

The information you have requested in relation to the full postcodes (e.g., MK10 7PG) is being withheld under sections 40(2) and 40(3A) of the FOIA as the information constitutes personal data relating to persons other than you. Please see below for further details on this exemption.

In relation to the requested information for the first part of the postcode, e.g., MK1, which is called the outward code, please find attached the information requested (Annex C). We can confirm that where the number of dogs per outward code is less than 10, we have withheld this under sections 40(2) and 40(3A) of the FOIA.

## **Sections 40(2) and 40(3A)**

Although you have not requested the names of individuals, the information that you have requested is still personal data relating to other individuals who would, or would likely, be identified or identifiable from the release of such information. Where the number of exempted dogs is fewer than ten, disclosure would, or would likely, lead to either the identification of individuals or persons being able to relate the information to individuals whom they are able to identify.

These sections exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because the applicants involved would not reasonably expect their identifiable information to be disclosed in relation to this request for information.

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.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.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact us.

Yours sincerely

[Redacted]

**Information Rights Team**  
[InformationRequests@defra.gov.uk](mailto:InformationRequests@defra.gov.uk)

## Annex A

### Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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## Annex B

### 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 <sup>[Redacted]</sup>, Head of Information Rights, via email at [InformationRequests@defra.gov.uk](mailto:InformationRequests@defra.gov.uk) and they 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 can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>