



[REDACTED]

[REDACTED]

Our ref: FOI2025/23309
05 November 2025

Dear [REDACTED]

REQUEST FOR INFORMATION: Complaints held on Home Farm, Gumley

Thank you for your request for information of 27th October about complaints held on Home Farm, Gumley. APHA have handled your request under the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

“Dear Sirs, I am a trustee of the Col GA Murray Smith Trust which owns Home Farm Gumley Leices LE16 7RU.

We have let the farm in the past to William Handy and on his passing his son now wishes to take over the tenancy. We understand from the locals that there have been a number of reports of poor animal husbandry, poor environmental protection fines and prosecutions. We only wish to rent to responsible and suitable tenants. I would be grateful if you could let me know what information you hold on our land especially regarding the above complaints.”

APHA received an additional email from you on 31 October as below.

“Many thanks I understand subsidies have and are being paid for the farm and some had to be repaid in 2021 after defra investigations - it is all this that we are particularly interested in. Poor animal husbandry and poor farming practices are key to our decision to relet to the current farmer who was in place in 2021. I should be very grateful if you could confirm which department we should speak to in order to obtain information on these matters”.

The information held regards a third party and although you may be a trustee that owns the land, APHA has no record other than Handy of being responsible for the animals. Our role is to work to safeguard animal and plant health. Our records show Handy as the owner of the animals and therefore any information held regarding these and or Handy will not be released to the public under Section 40(2) Personal Information and Section 41(1) Confidentiality. Further details on these exemptions are below.

However, Since 2018 to date, APHA can advise the farm has been visited three times:

- 27 April 2021

- 13 May 2021
- 29 November 2024

Section 41(1) - Confidentiality

The exemption under section 41(1) of the FOIA applies to the information being withheld, which, if disclosed, would constitute an actionable breach of confidence. APHA consider that the information has the necessary quality of confidence as Home Farm provided the information during inspections. In addition, some of the requested information held was received by other persons that had reported concerns on the farm. All third parties provided information to APHA on the explicit understanding that APHA would keep the information confidential.

Disclosing the information would be detrimental to the providers. Release may undermine the trust required to support persons to comply with legislation that is a key part of how APHA carries out its regulatory role. In addition, third parties may be reluctant to say or show APHA anything regarding their business for fear that it could be released under the FOIA.

Other members of the public may decline from reporting animal welfare issues for fear their details, including how they spotted an alleged animal welfare issue, could identify them. This could lead to an actionable claim for breach of confidence

APHA believe that disclosure would give rise to an actionable breach of confidence because it was provided under confidential conditions, and both parties understood this expectation. Section 41(1) is an absolute exemption; there is no public interest test for APHA to apply.

Section 40(2) – Personal Information

The information requested has been withheld under section 40(2), read in conjunction with 40(3A)(a), (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(3A)(a), of the FOIA provides that personal data relating to third parties is exempt information if disclosure of that information would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (GDPR).

APHA consider that disclosure of this information (names, contact details any identifiable correspondence) is likely to breach the first data protection principle in Article 5(1)(a) repeated in 35(1) DPA, which provides that personal data must be processed lawfully, fairly, and in a transparent manner in two ways. First, disclosure would not constitute 'fair' processing of the personal data, second, disclosure of that information would not be 'lawful'.

Under section 40 of the FOIA the term "personal data" means any information relating to an identified or identifiable living individual. "Identifiable living individual" means a living individual who can be identified, directly or indirectly.

APHA have concluded that this information is exempt from disclosure under Section 40(2) of the FOIA.

APHA do not prosecute. This will be undertaken by the local authority.

Information disclosed in response to this FOI 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.

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

enquiries@apha.gov.uk

Annex

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.

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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 within 40 working days of the date of this letter. Please write to the Access to Information Team 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 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.