



Animal &
Plant Health
Agency

Animal and Plant Health Agency
Information Rights Team
Woodham Lane
New Haw
Addlestone
Surrey
KT15 3NB

informationrights@apha.gov.uk

www.gov.uk/apha

[REDACTED]
[REDACTED]

Our ref: IR2026/16204
14 September 2026

Dear [REDACTED] ,

INTERNAL REVIEW: Church Farm Yorkshire

Thank you for your email which APHA received on 22 July appealing against our response, APHA reference FOI2026/14381, to your request for information. Your original request was dealt with under the Freedom of Information Act 2000 (FOIA).

The Internal Review Request

“1. This request should have been handled under the Environmental Information Regulations 2004, not FOIA

The site is subject to an environmental permit (Permit Reference EPR/BP3437MR) issued under the Environmental Permitting (England and Wales) Regulations. Inspection, monitoring and enforcement records connected to an environmental permit fall within the definition of "environmental information" in regulation 2(1) of the Environmental Information Regulations 2004 (EIR), which extends to the state of biological diversity, measures and activities affecting or designed to protect the environment, and reports on the implementation of environmental legislation. Records of inspections, welfare assessments, complaints and enforcement action at a permitted site fall squarely within that definition.

Where information meets this definition, the EIR must be applied in preference to FOIA. This is not a technicality: it materially changes the exemptions available. The EIR has no equivalent to section 41 FOIA. The closest analogous exception, regulation 12(5)(f) (the interests of the person who provided the information), is a **qualified** exception subject to a public interest test — it is not treated as absolute in the way you have applied section 41, and all EIR exceptions must in addition be interpreted restrictively, with a presumption in favour of disclosure under regulation 12(2).

I would draw your attention to the Information Commissioner's decision of 10 November 2025 (case reference IC-436924-K6B5), concerning this same authority. In that case APHA had withheld farm inspection reports under FOIA sections 40(2) and 41(1); the Commissioner found this was the wrong legislative framework, that the information should have been considered under the EIR, and ordered disclosure of the inspection

reports subject only to redaction of personal data. Given the clear parallels — inspection records, held by APHA, concerning a farm subject to environmental regulation — I ask APHA to explain why the same conclusion should not apply here, and to reconsider the request under the correct regime.

2. Section 41(1) has not been properly made out

Even if elements of FOIA remained applicable, section 41 requires (a) that the information was obtained by APHA from another person, and (b) that its disclosure would constitute an actionable breach of confidence. Your response applies this blanket exemption across inspection reports, photographs, correspondence, complaint-handling records and referral records without distinguishing between them.

Inspection reports and photographs generated by APHA's own officers during a visit are APHA's own records of what its staff observed — they are not naturally "obtained from" the operator, and it is not clear what actionable breach of confidence would arise from releasing APHA's own findings. Separately, an action for breach of confidence is subject to a public interest defence: confidence is not owed, and equity will not protect, information that serves to conceal wrongdoing or matters of genuine public concern. If any part of the withheld material discloses welfare concerns or non-compliance, that defence is directly relevant and undermines the claim that disclosure would be "actionable."

I ask APHA to identify, for each category of document withheld, the specific basis on which it was "obtained from" a third party in confidence, rather than relying on a single exemption applied to the whole request.

3. Section 43(2) has not been supported with specific, evidenced prejudice

Section 43(2) requires a real and significant likelihood of prejudice to commercial interests, evidenced with reference to the actual information in question — not generic, hypothetical risk. Your response states that disclosure "could" give competitors insight, "could" affect contractual arrangements, and "could" undermine commercial viability, without specifying which document, which competitor, which contract, or which mechanism of harm applies to Church Farm.

I would also note that APHA's reliance on commercial-interest grounds to withhold farm inspection material has been unsuccessful in other recent cases; reporting this year described the Information Commissioner ordering disclosure of APHA-held fish farm mortality reports after finding APHA's stated commercial concerns were not sufficiently evidenced to justify withholding. I ask that the public interest balance in this case be revisited with specific, case-relevant reasoning rather than template wording, and that

particular weight be given to the strong public interest in transparency around animal welfare compliance at a regulated site.

4. APHA's own letter concedes that not all of the withheld information is exempt

Your letter states that "**some** of the information you have requested is exempt from disclosure under Section 41(1)" (emphasis added). This is not a claim that all of the requested information meets the section 41 test — it is an express acknowledgement that at least part of it does not.

Despite this, the response goes on to refuse the request in full, without identifying which documents, or which parts of which documents, are said to fall within section 41 and which do not. FOIA does not permit a public authority to withhold an entire document, or an entire category of records, on the basis that *some* content within it is exempt. The duty under section 1(1)(b) is to communicate information held, save to the extent that a specific exemption applies to specific content; where only part of a record is exempt, the authority is expected to disclose the remainder, redacting only what is genuinely covered.

The same point applies to section 43(2): your letter asserts that disclosure of "the records relating to inspections, visits and welfare assessments including records of complaints, evidence provided and referrals" would prejudice commercial interests, but does not explain why this applies equally to, for example, the mere fact and date of a visit, the outcome of an inspection, or the existence and category of a complaint, as opposed to more sensitive operational detail that a narrower redaction could protect.

I ask APHA to specify, on a document-by-document or category-by-category basis, exactly what is being withheld and under which exemption, and to disclose in full or in redacted form any information — including that already conceded to fall outside section 41 — which is not genuinely exempt.

Request

I would be grateful if APHA would:

1. Reconsider whether this request falls to be handled under the EIR rather than FOIA, in light of decision IC-436924-K6B5;
2. Reconsider the application of section 41(1) (or the equivalent EIR exception) on a document-by-document basis rather than as a blanket exemption;
3. Reconsider the section 43(2) public interest balance (or equivalent EIR balance) with specific reasoning tied to the actual records held; and
4. Provide a schedule identifying what is held, what is being withheld, and under which exemption each item falls — and disclose, in full or redacted form, any

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information which your own letter has already conceded is not exempt under section 41(1).”

Discussion and Investigation

An internal review was requested of APHA’s response to your request for information relating to animal welfare at a farm identified in your original request.

The original response withheld the requested information under sections 41(1) and 43(2) of the Freedom of Information Act 2000 (FOIA).

In requesting an internal review, you have challenged APHA’s decision to withhold the information and submitted that the information should have been considered under the Environmental Information Regulations 2004 (EIR).

As part of this review APHA has:

- reconsidered the scope and nature of the requested information;
- considered whether the information constitutes environmental information within the meaning of regulation 2(1) EIR;
- reviewed the applicability of the exemptions and exceptions relied upon;
- considered whether any information could be disclosed through redaction; and
- reconsidered the balance of the public interest where relevant.

During the course of this review, APHA noted that the representations submitted in support of this internal review are substantially similar to those presented in an earlier internal review request, APHA reference IR2026/15833, concerning APHA's response to FOI2026/14042. The representations submitted in support of this internal review are substantially similar to those raised in earlier requests and internal reviews concerning related information held by APHA. APHA has taken into account the fact that a number of requests concerning substantially similar subject matter have previously been submitted and considered together where they related to the same categories of information held for the same regulatory purposes. However, each request must be considered on its own merits, and this review has been undertaken independently based on the specific information falling within scope of the present request.

APHA has nevertheless considered this request on its own individual facts and merits. A fresh review has been undertaken of the scope of the request, the information held, the applicable legislative regime, the exceptions relied upon, and the public interest considerations relevant to the specific circumstances of this case.

APHA has taken into account earlier internal review decisions that considered similar arguments. However, this review has been assessed on its own merits, and the outcome has not been determined solely by those previous decisions. APHA has

independently assessed the information held in relation to this request and has satisfied itself that the conclusions reached below remain appropriate in the circumstances of the present case.

Given the substantial overlap between the arguments advanced in this review and those considered previously, certain aspects of the analysis below necessarily reflect reasoning adopted in earlier internal review decisions. This is because the relevant legal principles, factual circumstances and categories of information under consideration are materially the same.

Environmental Information Regulations

Following review, APHA accepts that elements of the requested information are environmental information for the purposes of Regulation 2(1) EIR.

The information relates to the operation of agricultural holdings and includes matters relating to livestock husbandry, animal housing, management practices, agricultural activities and associated regulatory inspections. These matters are capable of affecting environmental elements and factors and therefore fall within the scope of the EIR.

Accordingly, APHA has reconsidered the request under the Environmental Information Regulations 2004.

APHA has considered the Commissioner's decision referred to in your internal review request. However, APHA notes that the decision concerned a different factual and regulatory context, including information relating to fish farming operations in Scotland and the application of legislation distinct from that considered in the present case.

Whilst decisions of the Information Commissioner may provide guidance on the interpretation of information rights legislation, each request must be considered on its own facts, having regard to the specific information requested, the nature of the records held, the statutory functions being exercised, and the particular exemptions or exceptions under consideration.

APHA does not consider that the decision cited establishes a general principle that all inspection, investigation or regulatory records relating to agricultural or animal welfare activities must be disclosed. Rather, the applicability of the Environmental Information Regulations and any exceptions must be assessed in light of the circumstances of the individual case.

In the present case, APHA has undertaken a fresh assessment of the information held and has concluded that, although the request falls to be considered under the Environmental Information Regulations 2004, the information engages Regulations 13, 12(5)(b), 12(5)(e) and, where applicable, 12(5)(f). APHA is satisfied that the factual

circumstances and information at issue are materially different from those considered in the Commissioner's decision cited and that the outcome of that case does not determine the outcome of this request.

APHA further notes that the decision cited related principally to whether information had been considered under the correct legislative regime and the extent to which inspection reports could be disclosed following redaction. The decision did not establish that all inspection or enforcement records are suitable for disclosure irrespective of the presence of personal data, commercially confidential information, voluntarily supplied information, or information capable of adversely affecting regulatory investigations.

It is argued that a significant proportion of the information comprises material created by APHA in the exercise of its statutory functions and therefore could not properly have been withheld under section 41 FOIA.

APHA notes that, following review, the request has been reconsidered under the Environmental Information Regulations 2004 rather than solely under FOIA. Consequently, section 41 FOIA no longer forms the basis for withholding environmental information falling within scope of the request.

APHA accepts that certain categories of information, including inspection reports, inspection notes, photographs, assessments and regulatory correspondence generated by APHA officials, constitute APHA's own records created in the exercise of statutory functions. However, the fact that information is APHA-generated does not prevent exceptions under the EIR from applying where disclosure would adversely affect interests protected by the Regulations.

The fact that some information may be environmental and fall within scope of the EIR does not automatically require disclosure. The EIR contain a number of exceptions which permit information to be withheld where disclosure would result in identified harm and where, in the case of qualified exceptions, the public interest favours maintaining the exception.

Regulation 13 - Personal Data

APHA considers that the requested information contains a substantial volume of personal data relating to identifiable living individuals.

This information includes personal data relating to:

- farm owners and occupiers;
- complainants;
- witnesses;
- veterinary professionals;

- employees and contractors;
- APHA personnel involved in inspections and investigations;
- individuals referred to within inspection, complaint, and investigation records.

The internal review has submitted that corporate entities are not personal data and that some individuals may have acted in a professional capacity.

APHA accepts that information relating solely to a corporate entity would not constitute personal data. However, the information requested extends beyond information relating to any corporate entity and includes information relating to identifiable living individuals.

The information contains both direct identifiers and information capable of identifying individuals through inference.

The farm concerned is specifically identified within the request. Even if names, contact details and other direct identifiers were removed, disclosure of inspection findings, complaint information, photographic evidence, correspondence, investigation outcomes and regulatory assessments would be likely to enable individuals associated with the holding to be identified.

Under the EIR, disclosure is effectively disclosure to the world at large.

APHA has considered whether disclosure of the personal data would be lawful, fair and transparent, in accordance with the UK General Data Protection Regulation and the Data Protection Act 2018.

APHA has also considered whether disclosure would satisfy the legitimate interests test under Article 6(1)(f) UK GDPR. APHA accepts that there may be a legitimate public interest in understanding how animal welfare concerns are investigated and addressed. However, APHA does not consider disclosure of the personal data to be necessary to satisfy that interest. In any event, APHA considers that the rights and freedoms of the individuals concerned, including their reasonable expectations of privacy and the potential consequences of disclosure into the public domain, outweigh any legitimate interest in disclosure.

Individuals providing information to APHA, participating in inspections, or becoming involved in regulatory action would have no reasonable expectation that information recorded during those processes would subsequently be disclosed into the public domain.

APHA is satisfied that disclosure would be unfair and unlawful and would contravene the data protection principles.

The information is therefore excepted from disclosure under Regulation 13 EIR.

As Regulation 13 is an absolute exception, no public interest test applies.

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.

Regulation 12(5)(b) – Course of Justice and Investigations

APHA considers that Regulation 12(5)(b) is engaged.

Regulation 12(5)(b) provides an exception where disclosure would adversely affect:

“the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.” ([Regulation 12\(5\)\(b\) – The course of justice and inquiries exception | ICO](#))

The requested information comprises material generated and obtained as part of APHA’s statutory regulatory and enforcement functions, including:

- Inspection reports;
- Welfare assessments;
- Inspection notes;
- Photographs and evidential material;
- Complaint records;
- Investigation records;
- Correspondence;
- Compliance assessments;
- Regulatory decision-making records; and
- Referrals and communications with other regulatory authorities.

The information was created and obtained for the purpose of assessing compliance with animal welfare and related legislation, evaluating evidence, determining what regulatory response was appropriate and, where necessary, supporting enforcement activity.

The effective discharge of APHA's statutory functions depends upon its ability to gather information, assess evidence, record findings and conduct investigations without prejudice to those processes.

APHA’s regulatory function does not conclude upon completion of an individual inspection or investigation. Information gathered during inspections may subsequently inform future inspections, intelligence assessments, risk profiling, enforcement decisions, regulatory oversight activities and referrals to other competent authorities. The sensitivity and regulatory value of such information may therefore continue beyond any individual inspection, visit or inquiry.

APHA’s compliance activity is not necessarily confined to discrete investigations that can be regarded as permanently concluded. Holdings remain subject to ongoing regulatory oversight and may be subject to further inspections, reassessments, intelligence-led interventions or enforcement consideration as new information becomes available. Information obtained during earlier inspections may therefore continue to

inform future regulatory activity. Disclosure of investigative and evidential material relating to those processes would be likely to prejudice APHA's ability to conduct effective regulatory inquiries both now and in the future.

APHA considers there is a real, substantial and foreseeable risk of adverse effect rather than a remote or hypothetical possibility.

Disclosure of detailed investigative material relating to specifically identifiable premises would be likely to reduce the willingness of complainants, witnesses and other third parties to provide information voluntarily in future investigations. APHA also considers that disclosure would be likely to inhibit the free exchange of information between APHA and other regulatory bodies where investigative or enforcement considerations remain relevant.

Disclosure would reveal evidential assessments, regulatory considerations, investigative methodologies and internal decision-making processes.

The adverse effect identified is not based upon a general assertion that disclosure may be inconvenient. APHA considers there is a direct causal connection between disclosure of detailed investigative records and harm to its ability to obtain information, assess evidence and conduct effective regulatory inquiries in future cases.

APHA considers that the adverse effects identified above are real, actual and of substance and are more probable than not to occur if the information were disclosed.

APHA is therefore satisfied that disclosure would adversely affect its ability to conduct effective regulatory inquiries and enforcement activities and that Regulation 12(5)(b) is engaged.

Public Interest Test – Regulation 12(5)(b)

APHA has carefully considered the public interest test and the presumption in favour of disclosure under Regulation 12(2) EIR.

There is a legitimate public interest in:

- openness and transparency regarding the regulation of animal welfare;
- understanding how APHA investigates complaints and welfare concerns;
- accountability for regulatory decisions;
- promoting confidence in APHA's inspection and enforcement functions; and
- public scrutiny of regulatory activity involving agricultural holdings.

APHA also accepts that where information concerns alleged animal welfare failings, inspection activity and regulatory intervention, the public interest in disclosure is enhanced.

Disclosure would assist public understanding of how APHA exercises its statutory functions, the manner in which animal welfare concerns are assessed and the effectiveness of regulatory oversight.

These factors have been given significant weight in favour of disclosure.

However, there is also a strong public interest in ensuring that APHA can effectively exercise its statutory regulatory and enforcement responsibilities.

There is a significant public interest in preserving APHA's ability to:

- conduct investigations effectively;
- gather evidence and regulatory intelligence;
- receive information from complaints and witnesses;
- exchange information with other public authorities;
- record investigative findings candidly and comprehensively; and
- pursue proportionate enforcement action where necessary.

APHA considers that disclosure of detailed investigative and evidential records would create the harms identified above and would undermine the interests which Regulation 12(5)(b) is intended to protect.

Having carefully balanced the competing public interests and taken account of the presumption in favour of disclosure, APHA considers that the public interest in maintaining Regulation 12(5)(b) outweighs the public interest in disclosure.

The information is therefore excepted from disclosure under Regulation 12(5)(b) EIR.

Regulation 12(5)(e) - Confidentiality of Commercial Information

APHA has carefully considered whether the requested information engages Regulation 12(5)(e).

The records contain operational information relating to management and operation of a private agricultural undertaking, including information concerning:

- livestock management arrangements;
- operational procedures;
- business practices;
- production methods;
- compliance measures; and
- commercially sensitive discussions with regulators.

The information relates directly to the commercial activities of privately owned agricultural businesses engaged in livestock production and therefore constitutes commercial information for the purposes of Regulation 12(5)(e).

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.

This information is not otherwise publicly available.

APHA is satisfied that the information retains the necessary quality of confidence and that its confidentiality is capable of protection through the law of confidence. Disclosure under the EIR would place information into the public domain and permanently remove confidentiality attaching to that information.

APHA is satisfied that disclosure would be likely to prejudice the legitimate economic interests of the operator, including interest in protecting commercially valuable operational information, business processes and management arrangements which are not otherwise publicly available. APHA considers there is a real and foreseeable risk that disclosure would adversely affect those legitimate economic interests by revealing non-public operational information concerning the management of the business, undermining the confidentiality attaching to commercially valuable information and affecting commercial relationships with customers, suppliers and business partners.

APHA is therefore satisfied that the information engages Regulation 12(5)(e) EIR.

Public Interest Test – Regulation 12(5)(e)

APHA recognises a public interest in understanding how regulated businesses are inspected and how compliance concerns are addressed.

APHA accepts that information concerning regulatory compliance and animal welfare may attract a heightened public interest in disclosure. This factor has been afforded significant weight. However, APHA considers that disclosure of detailed commercially confidential operational information would add only limited further insight into APHA's regulatory activities whilst causing the harms identified above.

However, there is also a recognised public interest in protecting legitimate commercial confidences and ensuring that businesses can engage openly and candidly with regulators without unnecessary disclosure of commercially sensitive information.

APHA considers that disclosure would be likely to prejudice the legitimate economic interests of the operator and that the public interest in protecting those interests outweighs the public interest in disclosure.

There is public interest in:

- preserving legitimate commercial confidences;
- protecting businesses from unwarranted commercial harm arising from disclosure of non-public operational information;
- ensuring regulated entities remain willing to engage fully and candidly with regulators;

- maintaining confidence in the regulatory process where commercially confidential information has been obtained and assessed;
- maintaining the flow of information required for effective compliance monitoring; and
- allowing regulators to obtain detailed information necessary to assess compliance and secure improvements in animal welfare standards.

Accordingly, Regulation 12(5)(e) is engaged and the public interest favours maintaining the exception.

Regulation 12(5)(f) – Interests of the Person Who Provided the Information

APHA has also considered whether regulation 12(5)(f) of the EIR applies to information contained within the requested records.

Regulation 12(5)(f) provides an exception where disclosure would adversely affect:

“the interest of the person who provided the information where that person:

- (i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;
- (ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and
- (iii) has not consented to its disclosure.” ([Interests of the person who provided the information to the public authority](#))

APHA has considered this exception only in respect of information obtained from complainants, witnesses and other third parties who voluntarily provided information to APHA in connection with animal welfare concerns and regulatory enquiries.

APHA is satisfied that certain information within the scope of the request was provided voluntarily and that the individuals concerned were not under any statutory obligation to provide that information.

The information includes:

- complaints submitted to APHA;
- witness accounts and observations;
- information provided by members of the public;
- supporting evidence voluntarily supplied by third parties; and
- communications received from individuals providing information regarding potential welfare concerns.

APHA is satisfied that the individuals concerned supplied information with a reasonable expectation that it would be used for regulatory purposes and would not subsequently be disclosed into the public domain.

APHA has no evidence that those individuals have consented to disclosure.

APHA considers that disclosure would adversely affect the interests of those individuals by:

- exposing their involvement in raising welfare concerns;
- discouraging future cooperation with APHA investigations;
- creating concerns regarding confidentiality and the handling of sensitive information; and
- adversely affecting APHA's ability to obtain similar information voluntarily in future cases.

APHA is therefore satisfied that Regulation 12(5)(f) is engaged in relation to information voluntarily supplied by complainants, witnesses and other third parties.

Importantly, APHA has not applied Regulation 12(5)(f) to information generated by APHA itself, including inspection reports, inspection notes, welfare assessments, photographs, regulatory correspondence or enforcement records. Those categories of information have been considered separately under Regulations 13, 12(5)(b) and 12(5)(e).

Public interest test – Regulation 12(5)(f)

APHA has carefully considered the public interest test and the presumption in favour of disclosure under Regulation 12(2).

There is a public interest in transparency regarding animal welfare regulation and in understanding how APHA receives and investigates reports of potential animal welfare concerns.

Disclosure would contribute to public understanding of the sources of information relied upon in regulatory decision-making and could increase public confidence in APHA's handling of concerns raised about animal welfare.

These factors weigh in favour of disclosure.

However, APHA considers there to be a strong public interest in ensuring that individuals remain willing to provide information to APHA regarding suspected animal welfare issues.

The effectiveness of APHA's regulatory functions depends in part upon the willingness of members of the public, witnesses and other third parties to provide information voluntarily where welfare concerns arise.

APHA considers that disclosure of voluntarily supplied information would be likely to undermine confidence in the confidentiality of communications with APHA and could discourage individuals from coming forward in future cases.

This would adversely affect APHA's ability to obtain information relevant to the protection of animal welfare and the performance of its statutory regulatory functions.

Having balanced the competing public interests and applied the presumption in favour of disclosure, APHA considers that the public interest in maintaining the exception outweighs the public interest in disclosure.

Accordingly, the information identified above is excepted from disclosure under Regulation 12(5)(f).

Consideration of Partial Disclosure

APHA has not adopted a blanket approach to withholding information.

The records have been reviewed to determine whether meaningful information could be disclosed following redaction.

APHA has also considered whether it would be appropriate to provide a schedule identifying individual records held and the exceptions applicable to them. However, given that the request relates to a specifically identified holding, APHA considers that providing a detailed schedule would itself reveal information about the nature, extent and content of the records held. In the circumstances of this case, APHA is satisfied that a document schedule would not provide meaningful additional transparency without creating a risk of revealing information which engages the exceptions identified above. APHA is therefore satisfied that providing such a schedule would itself disclose information which engages the exceptions identified above and would not provide meaningful additional transparency without creating a risk of harm to the protected interests safeguarded by those exceptions. Accordingly, APHA does not consider it appropriate to provide a document schedule in this case.

APHA has taken a detailed consideration of whether information protected by Regulations 13, 12(5)(b) and 12(5)(e) could be removed whilst preserving meaningful information for disclosure.

Having undertaken that exercise, APHA concluded that the information engaging those exceptions is pervasive throughout the inspection reports, investigation records, complaint files, correspondence, evidential material and regulatory assessments.

In the particular circumstances of this request, the identification of the farm concerned significantly increases the likelihood of individuals being identified even when direct identifiers are removed.

APHA is satisfied that further redaction would either:

- fail to protect the interests safeguarded by the exceptions; or
- leave only fragmented information lacking sufficient context to provide meaningful insight into APHA's regulatory activities.

APHA therefore concludes that meaningful partial disclosure is not reasonably achievable in this case.

Internal Review Outcome

The internal review has concluded that APHA should have considered the request under the Environmental Information Regulations 2004^e Freedom of Information Act 2000.

Having reconsidered the request under the appropriate access regime, APHA is satisfied that the information requested is excepted from disclosure under:

- Regulation 13 (Personal Data);
- Regulation 12(5)(b) (Course of Justice and Regulatory Investigations);
- Regulation 12(5)(e) (Confidentiality of Commercial Information); and
- Regulation 12(5)(f) (Interests of the Person Who Provided the Information).

The internal review partially upholds your complaint insofar as APHA accepts that the request should have been considered under the Environmental Information Regulations 2004 rather than solely under the Freedom of Information Act 2000. However, following reconsideration under the correct legislative regime, APHA remains satisfied that the requested information is excepted from disclosure under the stated regulations.

Accordingly, although the reasoning for refusal has changed, the substantive outcome remains unchanged, and the information continues to be withheld.

Yours sincerely

Information Rights Team

Email: informationrights@apha.gov.uk

Complaints

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

For further information please see their website:

<https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>