Department
for Environment
Food & Rural Affairs

helpline@defra.gsi.gov.uk
www.defra.gov.uk

[redacted]

Our ref: RFI 6112
Date: 23 January 2014

Dear [redacted]

REQUEST FOR INFORMATION: TB testing in badgers

Thank you for your requests for information about the number of badgers which were removed as part of the two pilot culls in Somerset and Gloucestershire and subsequently tested for Bovine TB, which we received on 14 January. 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).

TB testing in culled badgers was not undertaken as a routine procedure as high levels of TB were confirmed in badgers in the regions in which the cull areas are located during the Randomised Badger Cull Trial (RBCT). This has been confirmed by other research work carried out by independent scientists. A link to the report on the RBCT, which summarises the Trial's results and which contains an accompanying literature review, is below. Pages 72 to 77 will be of particular interest:

http://archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/tb/isg/report/final_report.pdf

A sample of culled badgers was subjected to post mortem examination and any signs of illness or poor condition were noted as part of the procedure. It should be noted that testing badger carcasses for TB was not undertaken on a routine basis during the pilot cull. However a very small number of carcasses were tested on occasion at the specific request of landowners when they were concerned when a culled badger appeared to be in a poor state of health.

The figures are being withheld at present under Environmental Information Regulation

12(5)(c), which relates to intellectual property.

In applying this exception we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning the number of badgers tested for TB at the request of landowners. Releasing the information would give an indication of whether badgers culled during the pilots were infected with TB.

On the other hand, there is a strong public interest in withholding the information because releasing the numbers would bias other data collected during the pilot culls, resulting in an unfair picture being presented without taking other data into account. . .

Therefore, we have concluded that, in all the circumstances of the case, the information should be withheld. However, the data on the number of badger carcasses tested for the presence of TB at the request of landowners will be published at the same time as the Report on the pilot culls produced by the Independent Expert Panel

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach 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 me.

Yours,

Defra TB Programme
Ccu.correspondence@defra.gsi.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.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the Open Government Licence. For information about the OGL and about re-using Crown Copyright information please see The National Archives website.
Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the Intellectual Property Office's website.

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 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.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 for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

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