



Department
for Environment
Food & Rural Affairs

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www.gov.uk/defra

██████████
By email: ██████████

Our ref: RFI 8445
6 September 2016

Dear ██████████,

REQUEST FOR INFORMATION: INFORMATION ON TRAVELLING CIRCUSES

Thank you for your request, which we received on 8 August 2016, about information received between 1 June 2016 and 31 July 2016 regarding travelling circuses. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA).

I enclose a copy of the following information held by this Department:

- An email from Peter Jolly's Circus containing an updated staff list.
- Emails from Circus Mondao about their zebra 'Zebedee'.

Some information in the above documents has been redacted under section 38(1) (Health and safety); and sections 40(2) and 40(3)(a)(i) (Personal information) of the FOIA.

Section 38(1) applies to information that if disclosed would or would be likely to endanger the physical or mental health, or the safety, of any individual. We understand that some people may wish to see the documents in their entirety. However we have seen evidence that individuals associated with the circus licensing regime, or individuals in other areas involving wild animals in circuses, have previously been subject to threats, and the release of further identifying information could increase risk to those individuals. Therefore this information has been redacted.

The documents contain personal data, which we have concluded should be withheld under section 40(2) (personal data relating to persons other than the requester; i.e. third parties) and section 40(3)(a)(i) of the FOIA. Section 40(2) and section 40(3)(a)(i) of the FOIA provide that personal data relating to third parties is exempt information if its disclosure would breach any of the data protection principles in the Data Protection Act 1998 (DPA). We consider that disclosure of these personal data is likely to breach the first data protection principle in Schedule 1 to the DPA, which relates to the fair and lawful processing of personal data. Disclosure of this information would not constitute 'fair' processing of the personal data because the information relates to persons who are not in a public facing role and would not reasonably have expected their name to be made public. Therefore, we have concluded that this information is exempt from disclosure under section 40(2) of the FOIA.

The information which is exempt from disclosure includes:

- Names and email addresses of circus representatives or associates, other than the licence holder, where these details are not already publically known;



- Details of the vet involved in overseeing the treatment of the zebra; and
- Names and email addresses of Defra or APHA officials below the level of the Senior Civil Service.

Information is reasonably accessible

Correspondence between Defra and Peter Jolly's Circus, regarding the circus' zebras from between 1 June and 15 June 2016, is already available from:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/544736/RFI_8378_Correspondence_re_Zebra_Watsui_and_Zulu_Redacted_2_Redacted_2_.pdf

The documents have been published in response to other FOIA requests. As this information is reasonably accessible to you by other means, it is exempt from disclosure under section 21 of the FOIA. This part of your request has therefore been refused.

Information withheld

I can confirm that during the period of your request (1 June to 31 July 2016) there was an unannounced inspection of Peter Jolly's Circus and correspondence was subsequently exchanged between Peter Jolly's Circus and Defra/APHA in relation to an investigation, which was ongoing for the period covered by of your request, of the conditions at Peter Jolly's winter quarters, in response to footage received from your organisation. This information is being withheld as it falls under the exemption in section 30 of the FOIA which relates to investigations and proceedings conducted by public authorities. Section 30(2)(a)(iii) concerns information being used in investigations by a public authority, such as Defra, for the purpose of ascertaining whether any person has failed to comply with the law.

In applying this exemption, 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 our investigations into the alleged conditions and the treatment of animals at the winter quarters of Peter Jolly's Circus. The public needs to have confidence in the ability of the responsible public authority to uphold the law.

On the other hand, there is a strong public interest in withholding the information where, for the period covered by a FOIA request, an investigation was still ongoing. Public authorities require a safe space in which to operate and premature or incomplete disclosures could create media pressures where half formed opinions could be reported in the press or enter the public domain. Investigators may expect their findings to be made public but at a later stage when they represent the fully considered conclusions of the investigation.

Therefore, we have concluded that in the circumstances of this case, this information should currently be withheld.

Information not held

I can confirm that we do not hold any license applications, inspection reports or associated paperwork for Thomas Chipperfield's Big Cat Circus 'An Evening with Lions and Tigers' or any other travelling circus with wild animals for the period 1 June to 31 July 2016.

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.

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

We 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 sincerely,

██████████

Information Rights Team

InformationRequests@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) 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 [REDACTED] Head of Information Rights, Area 4C, Nobel House, 17 Smith Square, London, SW1P 3JR (email: InformationRequests@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