



Llywodraeth Cymru
Welsh Government

15 October 2021

Dear

Complaint in respect of Request for Information – reference ATISN 15376

In your request for information received on 29 July you asked the following:

1. During which years did the only farm to achieve OTF status undergo badger intervention?
2. How many cycles of badger intervention did the farm referenced in question one and above undergo during the years cited in question 1?
3. How many badgers were captured during each cycle?
4. How many badgers were euthanised in total during the badger intervention cycles?
5. How many badgers in total were euthanised as a result of the field DPP?
6. How many badgers were vaccinated in total?
7. How many badgers from question 6 were recaptured and euthanised? Ms Linda Griffiths By email only to: lindavicarage@icloud.com 2
8. How many field negative DPP, vaccinated badgers subsequently tested btb positive to either lab. DPP, IGRA or both?
9. How many vaccinated badgers recaptured during a second cycle consequently testing positive to field DPP were euthanised on the referenced farm, prior to 2020 when it was recognised that there was a cross reaction between DPP and BCG Sofia vaccine?
10. How many field positive DPP badgers were confirmed by positive post mortem culture?
11. How many of the total number of badgers removed were confirmed by positive post mortem culture?
12. How many of the total number of euthanised badgers had indicative visible btb lesions?

13. Has WGS been carried out on badger and reactor cattle isolates from the referenced farm, if yes, please provide the phylogenetic analyses?

14. The badger intervention farms are stated numerically, please provide the number of the farm that has achieved OTF status during badger intervention.

On 24 August we wrote to you providing answers to questions 7 – 13 and confirming that the information relating to questions 1 – 6 and 14 was withheld under the Environmental Information Regulations (EIR) 2004, Regulation 12(5)(a) - international relations, defence, national security or public safety.

On 21 September you wrote us by email where you requested an internal review asking us to consider our application of the EIR Regulation 12(5)(a) in respect of questions 1 - 6. You withdrew question 14.

You stated that the answers to your requests have been in the public domain for the years 2018, 2019 and 2020, and that it was not unreasonable to request such information in a comprehensive format. You also requested an explanation to the alleged inconsistencies between publically available APHA reports from years 2017 – 2020 and the corresponding datasets previously released to you following a separate request. I can confirm that the alleged discrepancies will be considered independently of this application and we will respond to you in due course.

I have now completed the review and I am upholding the original decision. In my review I have considered all the circumstances of the case and information available in public domain across various platforms. I have reasonable grounds to believe that should the information originally withheld been released, it would be used, alongside information available elsewhere, to identify a specific farm 3 business by its name and location. Information released under EIR is released to the world at large, not just to the requestor. Any member of the public may use this information alongside other publically available sources and it would be relatively simple to identify the individual holding.

In my assessment, the causal link between disclosure and effect is convincing enough to conclude that it is more probable than not that the said farm would be put at risk of adverse effects.

In fact, in your correspondence of 21 September, you have acknowledged that there have been reports of “harassment, intimidation, activism and a threat to public safety” on farms in England who participated in similar programmes, but that “there have been no such reports or evidence of reprisals in any form on badger intervention farms in Wales”. Incidents reported in England present enough evidence to demonstrate how publically available information about individual participating farms can lead to the realistic threat to public safety. Activities like these are not restricted by geographical boundaries and we must not assume that such adverse effects are limited to England only.

I therefore found that Regulation 12(5)(a) was engaged under the public safety limb.

I apologise for the error in our initial response whereby Regulation 12(5)(f), as opposed to Regulation 12(5)(a), was quoted at the end of our letter.

Public Interest Test

In order to satisfy the public interest test in relation to the exception, it is necessary to conclude that the public interest arguments in favour of withholding the information outweigh the public interest arguments in favour of disclosure. In all the circumstances of this case, the public interest in maintaining the exception outweighs the public interest in disclosure.

Public interest arguments in favour of disclosure

The Welsh Government recognises the importance of providing information and data relating to its operation and implementation of its policies, in an open and transparent manner.

We recognise that it is in public interest to provide information and data on the overall badger trap and test programme in Wales so that the public can formulate an opinion on the effectiveness of this policy. There may be limited public interest in measures undertaken on a specific farm.

Public interest arguments in favour of withholding

Significant evidence exists that public knowledge about specific farms participating in similar programmes can lead to targeted attacks by animal rights activists, resulting in threats and violence against the farmers, their staff and families, and their neighbours. It is in public interest that each member of the society is and feels safe.

Information released under EIR is to the world at large. In this case, and in 4 conjunction with other information available in public domain, any member of the public, including animal rights activists, can quite simply identify the farm in question by its name and location.

It is not in the public interest that members of the society, including farmers and their families, are put at risk just because they were participating in a programme that was part of the Welsh Government's policy.

Balance of public interest test

Public interest in Welsh Government's policy in respect of badger control can be met by making the results of the programme delivery and its impact on the disease picture publically available. Thus far, the Welsh Government has met this obligation by producing and publishing on its website annual reports relating to the badger trap and test programme since 2017. On 24 August, following your request for information received on 29 July, the Welsh Government has also released some information about the delivery of the programme on the farm in question, as far as it was possible, without compromising the farm's identity. It is not in the public interest to increase the risk to public safety and to expose people to intimidation, threats and violence, and therefore Welsh Government is withholding the information requested in order to prevent such events happening.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow Cheshire
SK9 5AF

Tel: 01625 545 745

Fax: 01625 524 510

Email: casework@ico.gsi.gov.uk

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)

Email: ask@ombudsman-wales.org.uk 5

Yours sincerely,