



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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Our Ref: ATIC2264

P A Gadd
{By Email}

21 January 2021

Dear P A Gadd

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information on Hunt Kennel inspections which we received on the 8th and 11th December 2020. Your request has been handled under the Freedom of Information Act 2000 (FOIA).

The information you requested and our response is detailed below:

“Could I please make a request under the FOIA.

Many hunt kennels are operated by both private clubs; some of the Hunts are private Companies listed at Companies House. The Kennels operate as both Kennels for Hounds and in some cases are also associated with fallen livestock which is used to feed the hounds.

1/ Since 1st January 2015 could you confirm if you have inspected the following hunts.

List of premises A – C

2/ Please provide copies of inspections, reports or documentation relating to any inspections of the hunts requested. Please confirm the reason for inspection.”

The information request is being withheld under regulation 12(2) of the FOIA – Cost and resource. The requested information is unreasonable due to the Animal and Plant Health Agency (APHA) having received an aggregation of similar requests in a very short period of time. APHA is refusing the same requests received from other members of the public, which included requests with similar wording and following an alphabetical list of hunt kennel premises,

The requests are being refused due to the cost and burden of staff time to collate all the information on the different premises. The receipt of yours and requests from other members of the public are detailed below:

ATIC2264 – received 08/12/20 – two requests
ATIC2267 – received 07/12/20
ATIC2273 – received 12/12/20
ATIC2274 – received 13/12/20
ATIC2289 – received 20/12/20

APHA are required to provide a Public Interest Test on refusing the requested information under Regulation 12(2).

PUBLIC INTEREST TEST

As APHA have explained above the information requested is being withheld under regulation 12(2) of the Freedom of Information Act (FOIA) – cost limit. The requested information is considered unreasonable under the grounds of it being repeated by APHA having received an aggregation of substantially similar requests in a very short period of time.

The public interest here means for the good of the public and not what is of interest to the public or requester. Under the FOIA, APHA must apply the public interest test and the presumption in favour of disclosure. We recognise that there is a public interest in transparency of disclosure of information concerning inspections of hunt kennels. We have considered this as well as how far the requested information will help public understanding of the inspection process of hunt kennels and in the aggregation of similar requests. In reaching our decision with respect to the public interest, we considered the following matters:

Public Interest in Maintaining the Exception

APHA have reason to believe you submitted your request as part of a group effort to help mitigate the exception 12(2) cost limit.

Your request for the same information for hunt kennel inspection reports was received on 8th and 11th December 2020. We also received 5 further requests within the same two week period as yours, these are detailed above. The similarity of each request indicates a request ‘template’ has been used but the requested premises changed to follow an alphabetical list. These requests were all, apart from two, from different persons and almost identical wording has been used in each of the requests.

APHA believe the above information substantiates our belief yours and the additional five requests are genuinely linked and directed at gathering information that is outwith the cost limit. Providing information to separate individuals does not reduce the exposure to disproportionate burdens on staff or Access to Information Team. APHA does not hold the information in one place. The requested information does not fall within our own requirements. The requested information would have to be gathered together in order to

provide a response to all the requests. To provide you with an idea of what is involved, the numbered items below are undertaken to create the information you have requested:

1. Access customer record.
2. Check individual documents for relevance.
3. Remove any personal identifiable information.
4. Check, collate and validate the information.
5. Create spreadsheet to summarise the totals.
6. Validate the information.

The same process would be necessary for each premises of which we hold information.

Please be aware that APHA do not hold specific data on hunt kennels or inspections undertaken specifically at hunt kennels. APHA visit animal by-product premises (ABP's) and these are completed based on a risk matrix, some premises require more visits due to higher risk, Some may be visited more frequently as they are touched on whilst visiting other facilities such as collection centres. Some visits may also be follow-ups from non-compliances reported on previous visits.

The types of inspections to ABP premises can include:

- Advisory,
- Approval,
- Follow Up,
- Non Routine Reactive,
- Non-Compliant Follow Up,
- Reactive,
- Reapproval,
- Routine
- Routine Follow Up

There are potentially further visits for National Feed Audit (NFA) and other tasks depending on what is on the site.

APHA does not hold the information in the format requested. We extract information from our databases for our own needs. The requested information does not fall into our business as usual requirements. The requested information would have to be gathered together in order to provide a response to all the requests.

Hunt kennels are recorded as Section X Specified Users on APHA systems. Within this category they are under the suffix of UDOG, meaning ABP Use for Dogs Recognised Kennels, this spans to all kennels which use ABP and are approved in this way, such as racing kennels and home users who wish to feed ABP to their pets. We are only able to narrow this down to hunts based on the names we are provided, with hunts identifying themselves with hunt in the name rather than the name of the ABP plant.

Unfortunately the process to investigate each individual inspection form for each premises to determine whether they were specifically with reference to the hunt kennels would involve the diversion of resources and incur excessive costs.

Dealing with cost limit requests can place a strain and disruption on resources and get in the way of delivering our public services.

Public Interest in Disclosure

APHA do hold some of the information requested. APHA are aware there may be a public interest and debate in hunt kennel inspections and ultimately want to promote a greater public awareness and free exchange of views on this matter. We recognise that there may be a public interest in disclosure of information concerning the inspection of hunt kennels.

Regulation 12(2) of the FOIA also requires public authorities to apply a presumption in favour of disclosure. However, there is a strong public interest in withholding the information. Your request covers a substantial amount of information. Gathering this specific information together year by year would involve a significant cost and diversion of resources from APHA's other work. A controlled test was carried out with the following result: To investigate each individual record to determine whether the visit included an inspection of the hunt kennels and annotate that information would take a minimum 6 to 10 hours per record depending upon how many times it has been inspected. This would mean that the limits set out by the FOIA for public bodies would be exceeded.

To provide assistance in your request please see the following:

[GOV.UK](https://www.gov.uk/guidance/animal-by-product-categories-site-approval-hygiene-and-disposal) provides guidance surrounding the registration and monitoring of animal by-product establishments or plants that require approval under Article 24 of Regulation (EC) No. 1069/2009 or any activity associated with that establishment e.g. transport of ABPs. These operations including rendering, incineration, combustion, pet food plants, manufacturers of organic fertilisers and soil improvers, compost and biogas plants, plants handling and storing animal by-products or products derived from animal by-products must apply for approval and follow the rules under Article 24, please see links below:

<https://www.gov.uk/guidance/animal-by-product-categories-site-approval-hygiene-and-disposal>

[Regulation \(EC\) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation \(EC\) No 1774/2002 \(Animal by-products Regulation\) \(europa.eu\)](#)

However, our reason to refuse your request under 12(2) Cost limit, is we have reason to believe you are part of a group requesting information that not only would be refused individually under cost but is repeated.

On balance of the Public Interest Test above, our decision is to withhold the information.

Information disclosed in response to this FOI request is releasable to the public. In keeping with the spirit and effect of the FOI and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on 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. During the current Coronavirus outbreak, our offices will be closed.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: 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. Documents (except photographs or logos) can also be 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.

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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](#).

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 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to the Access to Information Manager 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 and regulation 18 of the EIRs 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

Coronavirus

However, following the changes to Government advice, from Tuesday 24 March 2020 the ICO offices will be closed. They will therefore not be able to collect correspondence sent via post. Where possible, they ask that you [contact them online](#) or call on 0303 123 1113