

Spartacus
[request-205861-
571c1b69@whatdotheyknow.com](#)

Your Ref:
Our Ref: ATIC0326

Date: 6 October 2014

INTERNAL REVIEW RESPONSE

Dear Spartacus

The Request

Following an earlier request for data (ATIC0305 submitted on 7 Apr 2014), you submitted another request for similar data (ATIC0326) on 19 May 2014. This latter request was made through Whatdotheyknow.com, and asked for historical anonymised herd TB breakdown data for each cull pilot zone, for each of the 3 years preceding the intervention for research project SE3131. AHVLA had previously confirmed that the data were held, in the response to ATIC0305.

Discussion

AHVLA entered into discussions on this matter with the Project Management Policy Advice department in Defra, to determine the appropriateness of releasing the data requested, which were intended to be included in a later publication relating to the subject Project. It was determined at this time that the request engaged with the Exemption against disclosure contained in clause 22(1) of the Freedom of Information Act (FOIA) 2000. Before this Exemption could be applied, it was necessary to complete a Public Interest Test (PIT). As this matter is sensitive, the PIT would take some time to complete and as a result a letter was dispatched informing you that there would be a delay in the response, ie the matter would need to be extended. This letter was sent on 17 June 2014.

FOIA 2000 clause 22 states:

22 Information intended for future publication.

- (1) Information is exempt information if—
 - (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
 - (b) the information was already held with a view to such publication at the time when the request for information was made, and
 - (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

Public Interest Test

- The baseline historic data is being published as part of a peer-reviewed research paper on the methodology of Project SE3131 to be released later this year. We cannot specify a date as this is dependent on the peer review process and acceptance by a scientific journal. Future data from SE3131 will be published in the AHVLA Annual Surveillance Report from the 2014 report onwards (to be published summer 2015). Again we cannot confirm a date because it depends on when this report is completed. Once completed, the results of SE3131 will be published on Defra's R&D website. There is a strong Public Interest in following the accepted practice for publishing research, as there is a genuine intention to submit this information for peer review and make this information more widely available.
- What is the justification for not being able to supply the data now, rather than having to await publication? The requested data on breakdowns within the cull areas is intended for peer-reviewed publication later this year. In line with accepted practice, the results of this project will be made available once the project is completed, and will form a regular part of the AHVLA Surveillance Report. Making public "interim" data and research intended for subsequent peer-review would prejudice this information being published in scientific journals later in the year. Given the importance of publishing only appropriately peer-reviewed research, earlier disclosure would damage the interests of the researchers, given the expectation of publication only under "normal" procedures, i.e. following Defra publication policy. Any Public Interest in earlier publication is outweighed by the Interest in ensuring appropriate peer-reviewed data is made available, even if only after some delay. There is a great deal of information readily accessible in the public domain about the historic disease figures of the two cull areas- up-to-date breakdown data at county level is already available from Defra's website for Gloucestershire and Somerset. Therefore, it is entirely reasonable to expect that this information should be published in line with accepted practice rather than disclosed before its official publication.
- The Internal Review of this case must consider: Is it the right decision to manage the availability of the information by planning and controlling its publication?; Is it necessary to avoid any advantage that would be obtained by the requester in obtaining the information prior to general publication?; Does the timetable properly require internal or limited consideration of the information prior to its public release?
 - It is considered correct to plan and control the publication of this data in line with Defra's publication policy, given that this information is



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subject to peer-review prior to publication in a scientific journal. There is no advantage to be gained by the Applicant in early release of un-reviewed data or results. The timetable for the release of the historic and resultant information from Project SE3131 reflects this.

As a result of this Public Interest Test, it was jointly considered by AHVLA and Defra that FOIA clause 22(1) sub-sections (a), (b) and (c) were engaged in this case, and as a result the anonymised figures were withheld.

Internal Review Result

Based on the evidence presented above, and taking account of the Public Interest Test conducted, it is accepted that the appropriate procedures were followed during the processing of this request and that the application of Exemption 22(1) (a), (b) and (c) of FOIA was appropriate and accepted. As a result the withholding of data at this time is upheld.

Yours sincerely

[be Email]

C D Cotterill

AHVLA Privacy/Data Sharing Manager

Email chris.cotterill@ahvla.gsi.gov.uk

Annex A

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. Please note that generally the Information

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The Animal Health and Veterinary Laboratories Agency is an executive agency of the Department for Environment, Food and Rural Affairs, working across Great Britain on behalf of Defra, Scottish Government and Welsh Assembly Government

www.defra.gov.uk/ahvla



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Commissioner cannot make a decision unless you have first exhausted the Animal Health and Veterinary Laboratories Agency complaints procedure. The Information Commissioner can be contacted at:

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

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