



Animal &
Plant Health
Agency

Animal and Plant Health Agency
Access to Information Team
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www.gov.uk/apha

Mr Carroll
request-1027242-bc02e833@whatdotheyknow.com

Our ref:
FOI2023/18011
26 September 2023

Dear Mr Carroll,

REQUEST FOR INFORMATION: Freedom of Information request - Bird deaths in Brookvale park Birmingham 2023

Thank you for your request for information of 14th September about Freedom of Information request - Bird deaths in Brookvale park Birmingham 2023. APHA have handled your request under the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

"Could you please confirm if you have carried put any post mortems on wildfowl from Brookvale Park Birmingham , West Midlands- approximate nat grid reference SP091911 and supply me with the preliminary, supplementary and final reports concerning recent bird deaths .

We have retrieved several birds from this site in the last two months, and allegedly Birmingham City Council forwarded some of them to you for examination. Most were found to be riddled with maggots, the site having fluctuating water levels, and tree debris littering the lake.

It is noted that none appear to have tested positive for avian flu according to your publication list.

https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattach-ment_data%2Ffile%2F1184724%2Fai-findings-2023-wk36.csv%2Fpreview&data=05%7C01%7Cenquiries%40apha.gov.uk%7C7e8ef26524f74c39164608dbb551d3a4%7C770a245002274c6290c74e38537f1102%7C0%7C0%7C638303135306753024%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiL-CjQljoiv2luMzliLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=KQep4mXcrM9ml-OeBJo8e%2BSaDleH4isHo4eVZsGm8gjY%3D&reserved=0

Can you CONFIRM that these birds died from avian botulism, and was this a "presumptive diagnosis" without carrying out a test for this summer related illness?

I believe these may have been submitted to the Shrewsbury laboratory since May."

Information that exempted from release under the Freedom of Information Act (FOIA):
Section 40(5B)(a)(i) - Neither Confirm Nor Deny in relation to personal data.

**Freedom of Information Act (FOIA):
Section 40(5B)(a)(i) - Neither Confirm Nor Deny in relation to personal data.**

APHA can neither confirm nor deny it holds the information that you have requested.

The duty in section 1(1)(a) of the FOIA does not apply by virtue of section 40(5B)(a)(i) of the FOIA. If the information you have requested were held it would amount to personal information belonging to someone other than yourself and release would contravene any of the data protection principles in Article 5(1) of the General Data Protection Regulations (GDPR).

This statement should not be taken as an indication that the information you have requested is or is not held by APHA.

The terms of this exemption in the FOIA mean that APHA do not have to consider whether or not it would be in the public interest for us to confirm or deny the information is held.

Therefore, APHA have concluded that in all the circumstances of the case, we should neither confirm nor deny that APHA holds this information.

This statement should not be taken as an indication that the information you have requested is or is not held by APHA.

You may find it helpful to make a request to Birmingham City Council direct.

Please find a link below for the Freedom of Information requests.

[Freedom of information request | Make a freedom of information request | Birmingham City Council](#)

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](#), 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 or postal address at the top of this letter.

Yours sincerely

Access to Information Team

enquiries@apha.gov.uk

Annex

Copyright

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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 within 40 working days of the date of this letter. Please write to the Access to Information Team 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 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

Please click [here](#) for further contact details.