



Animal &
Plant Health
Agency

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Mr Carroll
request-1027242-bc02e833@whatdotheyknow.com

Our ref: IR2023/19304
23 November 2023

Dear Mr Carroll,

INTERNAL REVIEW: Freedom of Information request - Bird deaths in Brookvale Park Birmingham 2023

You have requested that APHA conducts an Internal Review on the response you received from us following your information request on 14 September. We can confirm that this review has been undertaken by an officer unconnected with the original decision regarding your request.

The Internal Review Request

APHA received an internal review request from you on 2 October as follows:

"I note that you neither confirm nor deny whether you hold this information on the grounds that to do so would result in the release of personal information. Please review this assessment, as I believe this not to be the case.

The information would not identify any individual and concerns the fate of birds which do not belong to any individual and nor does it belong to anyone else. In similar previous requests, you did not apply this exemption and I therefore ask why you are doing so now?

It is further noted that you routinely publish specific avian flu data and yet omit any other data concerning bird deaths for context, so that members of the public can gauge the facts about this specific illness, which I believe is being grossly exaggerated by the APHA. Clearly, you are denying that the birds from this park and city DID NOT die from avian flu as you have not published positive tests on your wild bird AI surveillance reports in the public domain.

I further note that individuals within the hierarchy of the APHA are connected to academic institutions which are receiving money from the public purse for "vaccine research" into this specific illness, and have furthermore appeared in many publications concerning links to human health, again overblown.

A public interest test needs to be applied in this case, as it appears that information for all deaths and causes is being omitted by the APHA in favour of publishing just AI deaths without context. For this reason and the refusal to supply relevant data sets for anything

else, one may question the professional integrity of those in the APHA who are connected with research into a specific field they are looking to gain from”.

Discussion and Investigation

Your Original FOI request asked for:

“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%2Fattachment_data%2Ffile%2F1184724%2Fai-findings-2023-wk36.csv%2Fpreview&data=05%7C01%7Cenquiries%40apha.gov.uk%7C7e8ef26524f74c39164608dbb551d3a4%7C770a245002274c6290c74e38537f1102%7C0%7C0%7C638303135306753024%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=KQep4mXcrM9mIOeBjo8e%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.”

APHA responded (reference FOI2023/18011) applying neither confirm nor deny, under exemption Section 40(5B)(a)(i) of the Freedom of Information Act in relation to personal data.

On review of our response, the exemption should not have been used as your request related to information of a public authority (Birmingham City Council) rather than a named individual.

APHA can confirm it has not carried out any postmortems on wildfowl from Brookvale Park Birmingham, West Midlands.

Additional information you have requested is exempt from release under the FOIA Section 21(1) - accessible to applicant by other means.

The information you requested is at the link below obtainable by inputting the search reference WSF-FP2E-LF78-7C3L in the search field. This has been recently updated since your original request.

[interactive map of reported wild bird mortality and findings of avian influenza virus \(bird flu\) in wild birds and wild mammals](#)

Section 16 (Advice and Assistance)

APHA will only collect dead wild birds that meet the 'collection threshold' for each species. The collection threshold is the number of dead birds that must be reported in one location before APHA will collect carcasses.

Further Information on surveillance collection thresholds is available at the link below.

<https://www.gov.uk/government/publications/surveillance-collection-thresholds-for-dead-wild-birds>

Internal Review Decision

An Internal Review addresses the outcome of your initial response.

The result of this Internal Review is that the use of neither confirm nor deny under section 40(5B)(a)(i) (personal data) of the FOIA on the original response dated 26 September 2023, has been reconsidered and is not upheld.

APHA have now responded to your request on whether postmortems were carried out. Additional information is withheld under Section 21(1) – accessible to applicant by other means. A link has been provided. APHA have also provided an explanation of why some animals are not collected for testing.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gov.uk

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. The Information Commissioner can be contacted at:

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

Telephone: 0303 123 1113.