



Ms Buckley  
request-1024335-f05c31cf@whatdotheyknow.com

Our ref: FOI2023/17675  
22 September 2023

Dear Ms Buckley,

**REQUEST FOR INFORMATION: Brucella canis information**

Thank you for your request for information of 11th September about Brucella canis. APHA have handled your request under the Freedom of Information Act 2000 (FOIA).

APHA currently have five open Freedom of Information requests from you, plus one regarding the same request, as set out below:

Date Received	APHA Reference	Your Reference	Request Details
26/8/23	FOI2023/16757	1018808-24189622@whatdotheyknow.com	I would like a copy of written/email communication that has occurred during the timeframe - 01.01.2021 - 26.08.2023) between representatives (employers/employees) the following organisations: - CVS, - Vets4Pets, - APHA, - RCVS, - UKHSA / Public Health England, And DEFRA and mention one of the following terms: "Brucella" "Brucellosis" "Brucella canis" "Canine Brucellosis" "Canine brucella"
29/8/23	FOI2023/16758	1019727-dd2b43c8@whatdotheyknow.com	I would like to follow up on the Brucella canis testing request made by [ ] and your response that I have just noticed. I see that it was refused by yourselves on the grounds of cost. I have identified the questions that I believe should be easily answered by yourselves and adapted them where not so I hope there should now be no barrier to them being answered. SAT test: 1. Is this test validated for use by APHA with a cut off of $\geq 2/50$ ? Is the specificity and

			<p>sensitivity reported for the test based on this cut off?</p> <p>2. If so, how many dogs formed the control group (presumed <i>Brucella canis</i> free dogs) used to validate this test?</p> <p>3. Do you run this test singularly, in duplicate, triplicate, or greater, in respect of any individual dog sample submitted for analysis?</p> <p>4. If you test a given sample more than once, HOW FREQUENTLY (e.g. after how many samples are run, daily, weekly, etc) do you review SAT results regularly to assess reliability of the test? Do you keep a written record of these and their outcome? If so, is this in the form of % of intra-assay results that occur?</p> <p>RSA test: RSA test:</p> <p>5. Was this test, as used by APHA, validated?</p> <p>6. If so, how many dogs were used as the BC free control group?</p> <p>7. Do run this test singularly, in duplicate, triplicate, or greater, in respect of any individual dog sample submitted for analysis?</p> <p>8. If you test a given sample more than once, what is your decision-making algorithm for reporting the result if the result varies?</p> <p>9. If you test a given sample more than once, HOW FREQUENTLY (e.g. after how many samples are run, daily, weekly, etc) do you review SAT results regularly to assess reliability of the test? Do you keep a written record of these and their outcome? If so, is this in the form of % of intra-assay results that occur?</p> <p>ELISA:</p> <p>10. Do you run this test singularly, in duplicate, triplicate, or greater, in respect of any individual dog sample submitted for analysis?</p> <p>11. If you test a given sample more than once, what is your decision-making algorithm for reporting the result if the result varies?</p> <p>12. If you test a given sample more than once, do you review ELISA results regularly to assess reliability of the test?</p> <p>13. If you test a given sample more than once, HOW FREQUENTLY (e.g. after how many samples are run, daily, weekly, etc) do you review SAT results regularly to assess reliability of the test? Do you keep a written record of these and their outcome? If so, is this in the form of % of intra-assay results that occur?</p> <p>I hope that you will find this version of questions satisfactory. They have been designed to be answerable very quickly and should take limited time on the part of your team as it is appreciated that you are busy.</p>
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7/9/23	FOI2023/17627	1000893-ac32e675@whatdotheyknow.com	I understand that you also undertook Brucella canis testing of human samples during part of this period. Can you confirm please whether any of the sample sizes reported for the individual tests included human samples? If so, which tests? and what is the corrected figure once human samples are removed? As I was asking for dog data it is pertinent to request this clarification as it is not clear from the reporting.
7/9/23	FOI2023/17627	1000893-ac32e675@whatdotheyknow.com	Please ignore the message sent on 07 09 2023. This clarification is for a different request and I will resubmit this there. For avoidance of doubt, the original request sent on the 31.08.2023 in this thread stands
7/9/23	FOI2023/17671	1019727-dd2b43c8@whatdotheyknow.com	I understand that you also undertook Brucella canis testing of human samples during part of this period. Can you confirm please whether any of the sample sizes reported for the individual tests included human samples? If so, which tests? and what is the corrected figure once human samples are removed? As I was asking for dog data it is pertinent to request this clarification as it is not clear from the reporting.
11/9/23	FOI2023/17675	1024335-f05c31cf@whatdotheyknow.com	<p>Please can you advise me whether:</p> <ol style="list-style-type: none"> <li>1. whether any overseas dog connection had been established with the dogs in this household that showed clinical signs (abortions) prior the 3 overseas dogs in this house entering this house? If so, what was the nature of the connection?</li> <li>2. Whether the dog referred to in this blog <a href="https://aphascience.blog.gov.uk/2021/11/03/one-health-day-2021/">https://aphascience.blog.gov.uk/2021/11/03/one-health-day-2021/</a> was one of the overseas dogs in this household? If so, please can I know what test(s) were carried out on this dog and what the result was?</li> <li>3. Do you know long the overseas dogs had been in this household at the point of the positive result? If so, how long?</li> <li>4. Do you have any evidence that the overseas dogs in this household were infected prior to entering that household? If so, what?</li> <li>5. What breeds of dog were involved in this epidemiological case?</li> <li>6. Have you continued to monitor the puppies that were sold across the UK from this house from sero-positive parents? If so, how many have subsequently tested positive for Brucella canis?</li> </ol> <p>To save un-necessary duplication I advise you that I have already made a request of the UKHSA in respect of this, and my questions are following up on aspects that they could not answer. The original request/their reply can be found here: <a href="https://www.whatdotheyknow.com/request/brucella_canis_conference_poster#incoming-2408898">https://www.whatdotheyknow.com/request/brucella_canis_conference_poster#incoming-2408898</a></p>

APHA previously advised you in an internal review response (our reference IR2023/08875), that although our vexatious, Section 14(1) application to your Brucella canis requests was overturned, this would not affect APHA's consideration of the application in the future. You were advised the exemption could be applied if APHA became overwhelmed with numerous requests in quick succession before APHA had the opportunity to respond.

APHA reminded you of this in our responses of:

1. 21 July 2023  
(our ref: FOI2023/07757, your ref: 961490-e77ab7f7@whatdotheyknow.com)
2. 4 August 2023  
(our ref: FOI2023/14609, your ref: 991543-3c44e014@whatdotheyknow.com)
3. 10 August 2023  
(our ref FOI023/07757, your ref: 961490-e77ab7f7@whatdotheyknow.com)

### **Section 14(1) – Vexatious**

APHA have refused your requests (within the table above) for information because they fall within section 14(1) of the FOIA. Under section 14(1), APHA is not obliged to comply with a request for information if the request is vexatious.

For the purposes of the FOIA, APHA have received nineteen requests for information from you via the whatdotheyknow.com forum since 17 March 2023, all related to *Brucella canis*. Please see Appendix 1 attached, detailing these requests (including a please ignore), which include the six above.

Section 14(1) is designed to protect public authorities by allowing refusal of any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress. Dealing with unreasonable requests can strain resources and get in the way of APHA delivering our work to safeguard animal and plant health for the benefit of people, the environment and the economy. These requests can also impact in our service on answering legitimate requests for information.

APHA believe you have applied a manifestly unjustified and improper use of a formal procedure, submitting random requests for information regarding *Brucella canis*, some of which do not fall within the FOIA of recorded information. On occasion, you have submitted identical requests as those identified in the table above, referred only to your own references when responding so it is not clear which case you have referred to and submitted five requests in less than four weeks.

As an example of your unreasonableness, in your request received on 29 August 2023 (Our ref: FOI2023/16758, Your ref: 1019727-dd2b43c8@whatdotheyknow.com) you refer to a response APHA had sent a third party refusing it on cost. Knowing this request would likely cost APHA over the legislative limit, you submitted your own version, in addition to four submitted and awaiting a response.

APHA accept there is a public interest in *Brucella canis* testing and have responded to a number of requests. However, *Brucella canis* testing at APHA is not for surveillance or monitoring purposes, these tests are commercial, so the information gathered is not comprehensive.

Due to the persistence in submitting unreasonably frequent requests for similar information, the burden and disruption this creates for APHA and its staff, and given the history laid out above and in Appendix 1, APHA have decided that your requests should be refused under section 14(1) of the FOIA on the grounds they are vexatious.

APHA are therefore not obliged to consider your requests further and, in accordance with section 17(6) of the FOIA, will not respond to further requests relating to *Brucella canis*. Please note that section 17(6) of the FOIA does not require APHA, or any other Executive Agency of Defra to respond to any further requests on this topic.

An annex is attached giving 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](mailto:enquiries@apha.gov.uk)

## **Annex**

### **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](mailto: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.