



Department
for Environment
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By email: Mark Halladay
request-691620-c45fe47b@whatdotheyknow.com

Our ref: EIR2020/23964
23 September 2020

Dear Mark Halladay,

REQUEST FOR INFORMATION: Hen Harrier Deaths in England and Scotland

Thank you for your request for information of 15 September 2020 about hen harrier deaths in England and Scotland. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

- 1) *how many hen harrier deaths occurred in England and Scotland where foul play was either suspected or proven, and*
- 2) *how many of those deaths occurred within 3 miles of a shooting estate, and*
- 3) *how many occurred within 3 miles of an RSPB reserve.*

We are writing to advise you that the information that you have requested is not held by Defra.

The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner's Office (ICO), who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the ICO's view, Defra has not conducted a public interest test in this case.

However, under our duty to advise and assist applicants in pursuance of regulation 9 we can confirm that to the best of our knowledge some of the information is held by Natural England who can be contacted here: foi@naturalengland.org.uk

We attach an annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

D Lynch

Information Rights Team

InformationRequests@defra.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 or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

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 Defra's own complaints procedure.

The ICO's offices are currently closed so please visit their website on how to contact them during this period, here:

<https://ico.org.uk>