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Elizabeth Thirsk
By email: request-762968-9770b794@whatdotheyknow.com

Our ref: IR2021/16493
6 July 2021

Dear Elizabeth Thirsk,

INTERNAL REVIEW: Bovine TB and the Cull being based on science

Thank you for your email which we received on 25 June 2021 appealing against the decision confirming the information you requested not held. Your original request was dealt with under Freedom of Information Act 2000 (FOIA) and I have handled your request for an internal review under the same legislation.

Summary

In accordance with Defra's internal review procedures, I have reviewed your complaint in discussion with policy colleagues who handled your original request.

On reviewing this case I contacted the Defra policy team and looked through the history of your requests regarding information on bovine TB and the badger cull. I have specifically noted that requests on this topic of information made under the Environmental Information Regulation 2004 (EIRs) have been declared manifestly unreasonable on the grounds that they are vexatious.

I am therefore deciding to now refuse your request of 4 June 2021 because it falls within section 14(1) of the FOIA. Under section 14(1), Defra is not obliged to comply with a request for information any further if the request is vexatious.

I set out in the annex below a fuller explanation of our decision.

Yours sincerely,

Andrew Mobsby

Head of Information Rights

Email: InformationRequests@defra.gov.uk

Annex

Chronology

4 June 2021	<p>You submitted the following request:</p> <p><i>You say here the cull is based on assumptions: "Piloting industry-led controlled shooting of badgers in Gloucestershire and Somerset in 2013 as a method of controlling TB in cattle was considered worthwhile to test assumptions around effectiveness, humaneness and safety and to improve our understanding of the potential long term cost-effectiveness of the approach. " Why have you lied to the public about the cull being based on science and evidence? Legally should you have misled the public?</i></p> <p><i>"The total monetised benefits are estimated to be around £0.52m-£3.92m per area over eleven years, with a central estimate of £2.2m. This is based on the results of the RBCT." Why is the total monetised benefits based on results from 2005 and before? This is purposefully misleading. What are the actual figures of all monetised benefits for every single year since 2013? Answers required in total amounts per year broken down into each area.</i></p> <p><i>Does anyone who works for DEFRA benefit in any way whatsoever from the Badger cull?</i></p>
25 June 2021	<p>We responded to your request confirming that part 1 had already been requested and we supplied you with a response on 17 May 2021 (Ref EIR2021/11525).</p> <p>Part 2 we informed you that the information is not held by Defra, and the final part of your request we confirm that no-one employed by Defra benefits in any way from the culling operation.</p>
25 June 2021	<p>You requested and Internal Review:</p> <p><i>I am writing to request an internal review of Department for Environment, Food and Rural Affairs's handling of my FOI request 'Lying about the cull being based on science and misleading public about profits'.</i></p> <p><i>The science says culling doesn't work, this is your own data that you intentionally ignore.</i></p> <p><i>You are lying, misleading farmers and the public at a huge cost to badgers and tax payers. You are cherry picking these 2 figures of 66% and 33% as a standard response when it is not the case.</i></p> <p><i>I do not believe that there is no way to accurately say how much profits are made from our tax money. I require an accurate answer as to how much tax money cull companies profit.</i></p> <p><i>You cannot base everything on a small scale random cull that was modelled completely wrong, resulting in over 140000 protected species slaughtered and millions in profits to the cull companies who are the industry you are listening to. There is a huge conflict of interest, people too close to intensive</i></p>

	<i>farming. How dare you say culling is working when it is not. You ignore your own data that proves you wrong and cherrypick little bits to distract and lie to us all, why? This is wrong. This needs an internal review by someone not associated with farming.</i>
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Section 14(1)

Since April this year you have submitted five requests that have been handled under the EIRs or the FOIA. On four of these, including this one, you have not agreed with the outcome (which confirmed the information is not held by Defra) and has resulted in three Internal Reviews. Additionally, you have submitted at least 6 further emails on the same topic which did not amount to information requests made under the EIR/FOIA and are being handled as general correspondence. We have also informed you, on more than one occasion, that information requests are for recorded information held by a public authority and provided a link to the Information Commissioners Office (ICO) on how to make a valid request under these regimes.

I believe an unreasonable approach in submitting information requests has been adopted, given the history set out above. These requests have caused a disproportionate and unjustified level of disruption within the department. Due to the burden and persistence you are implementing on Defra and its staff I am therefore now refusing your new request of 4 June 2021 because it falls within section 14(1) of the FOIA. Under section 14(1), Defra is not obliged to comply with a request for information if the request is vexatious.

Defra are therefore not obliged to consider your request any further and, in accordance with section 17(6) FOIA, will not respond to further requests of a similar nature or on the same topic.

Rights of appeal

We hope that the above answers your complaint satisfactorily. However, if you remain dissatisfied, you have the right to apply directly to the Information Commissioner for a decision. <http://www.ico.org.uk/complaints.aspx>

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>