



Mr Luke Steele
[by e-mail: request-146390-
a9c860b0@whatdotheyknow.com]

MRC Ref: FOIA2013005
15 February, 2013

Dear Mr Steele,

Freedom of Information request - Use of Animals in Research and Related Breeding at NIMR

In your request of 21 January 2013 you have asked for information relating to the MRC National Institute for Medical Research (NIMR) for 2011. A response to the questions you have asked is provided below.

Information on the MRC's position on the use of animals in research can be found on our website at the following url:
www.mrc.ac.uk/Ourresearch/Ethicsresearchguidance/Useofanimals/index.htm.

Information about NIMR can be found on the website at www.nimr.mrc.ac.uk.

Responses

1) By species; how many animals were used in research at NIMR in 2011? In the case of rodents, please list by genetic strain.

2) By species; how many animals were bred for research at NIMR in 2011? In the case of rodents, please list by genetic strain.

The total number of animals used in research and bred at NIMR in 2011 is provided in table 1 below. Table 2 provides the numbers of animals used in research in 2011 which were received from collaborators or purchased from approved commercial suppliers, all other animals used in research in 2011 were bred on-site.

You have asked for the genetic strain to be listed for rodents. To identify and extract this information would involve review of information held in different formats in paper and electronic records and databases. We estimate this would take around 350 hours to identify and extract this information from breeding and research records, this far exceeds the appropriate limit of the FOIA, which is 18 hours. We have however, provided a breakdown of the numbers of rodents (and other species) by wild type and genetically altered as this information can be provided within the appropriate limit.

table 1: Total number of animals used in research at NIMR in 2011

Species	Number of animals		
	Wild type	Genetically altered	Total
Mouse	30,764	105,733	136,497
Rat	326	289	615
Rabbits	30	0	30
Ferrets	40	0	40
Opossums	3	0	3
Amphibia (Xenopus spp)	1,118	888	2,006
Fish (Zebrafish)	543	9250	9793

table 2: Total number of animals used in research at NIMR in 2011 which were received from collaborators and approved commercial suppliers

Species	Animals received or purchased		
	Wild type	Genetically altered	Total
Mouse	119	258	377
Rat	3	0	3
Fish (Zebrafish)	96	0	96
Rabbits	30	0	30
Ferrets	40	0	40

3) *By species; how many animals were supplied to external facilities, excluding laboratories and units operated by the MRC, by NIMR in 2011?*

The total number of animals supplied to other facilities in 2011, excluding MRC research units is provided in table 3 below.

table 3: Total number of animals supplied to external facilities in 2011

Species	Number supplied to external facilities, excluding other MRC units
Mouse	831
Rat	204
Fish (Zebrafish)	10

4) *Copies of health reports for the NIMR breeding colonies for 2011.*

Copies of health monitoring reports for NIMR's rodent breeding colonies for 2011 are attached with this response. You will notice that some information has been redacted, this comprises information relating to MRC staff. This information has been redacted as it is considered to be exempt under Section 40(2) of the FOIA, an explanation is provided below.

Rabbits and ferrets are not bred at NIMR but are supplied from external sources. Therefore no breeding colony health monitoring reports are held.

Health monitoring for opossums began in 2012, therefore no breeding colony health monitoring reports are held for 2011.

There are no recommendations from FELASA or other similar associations on health monitoring requirements for fish and amphibia. Therefore no health monitoring reports are held.

5) Copies of Home Office inspection reports, Nominated Animal Care & Welfare Officer ("NACWO") reports and Named Veterinary Surgeon ("NVS") recommendations for NIMR in 2011.

The MRC does not hold copies of Home Office inspection reports relating to NIMR for 2011.

The MRC does hold Named Animal Care & Welfare Officer ("NACWO") reports and Named Veterinary Surgeon ("NVS") recommendations for 2011. This information is considered to be exempt under Section 44 of the FOIA as the MRC considers disclosure under FOIA of the information requested, would be in contravention of section 24 of the Animal (Scientific Procedures) Act 1986 ('section 24 ASPA'). An explanation is provided below.

Health monitoring reports exemption from disclosure

The MRC considers that the following FOIA exemption applies to some of the information you have requested.

Section 40(2): Personal information

The names of MRC staff who compiled the health reports are contained in the reports. These names are considered personal information and have been redacted as we consider them to be exempt in terms of Section 40(2) - Personal information.

Section 40(2) and (3) of the FOIA states that:

(2) Any information to which a request for information relates is also exempt if-
(a) it constitutes personal data which do not fall within subsection (1) [that is the information is not the personal data of the requestor], and
(b) either the first or the second condition below is satisfied.

(3) The first condition is-

(a) in a case where the information falls within any paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-

(i) any of the data protection principles, or

(ii) section 10 of that act (right to prevent processing likely to cause damage or distress), and

(b) in any other case, that the disclosure of the information to a member of the public, otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

We believe that to disclose the names of individuals who compiled the reports would be in breach of the Data Protection principles, we believe this exemption is engaged. The MRC is not seeking to withhold all of the information in the relevant reports under this Section 40(2) exemption, only the names of the individuals who compiled the reports and as such the information has been redacted.

This an absolute exemption and therefore no public interest test needs to be carried out. However, recent Tribunal decisions have set an expectation that the legitimate interests of the public and the individuals concerned would be taken into account to determine whether disclosure would be *fair and lawful* i.e. the disclosure complies with Principle 1

of the Data Protection Act (1998) (DPA). This has been considered by the MRC and addressed below.

Legitimate Interest Considerations

Legitimate Interest of the public in favour of disclosure

There is a strong public interest in preserving animal welfare and informing understanding of the MRC's views on the benefits of research involving animals. Disclosure of health monitoring reports, including the names of individuals who commissioned or compiled the reports could reassure the public as to standards of welfare.

Legitimate Interest of the individuals in favour of refusal

There is a strong public interest in protecting the health and safety of individuals. The nature of the potential threat envisaged is substantial and disclosure may expose individuals to significant harm, or fear or harm, from animal rights extremists.

Disclosure of the names of the individuals who commissioned or compiled the reports will not add to the transparency of the actual work of the MRC or aid the debate around research involving animals, but could have significant negative impact on the individuals themselves. By redacting the names of individuals who compiled the reports we believe we have reached an appropriate balance between allowing the public to understand the work of the MRC while still protecting the individuals who work for us.

We believe that in this instance the legitimate interests of the individuals outweighs those of the public and therefore that the section 40(2) exemption is engaged and the names of individuals are withheld and have been redacted from the reports provided.

NACWO and NVS reports and recommendations exemptions from disclosure

Section 44 – Prohibition on disclosure

The MRC also considers that Section 44 – Prohibition on disclosure would apply to any reports or recommendations from the Named Animal Care & Welfare Officer ("NACWO") and Named Veterinary Surgeon ("NVS"). The MRC has considered whether disclosure under FOIA of the information requested, would be in contravention of section 24 of the Animal (Scientific Procedures) Act 1986 ('section 24 ASPA').

Section 24 ASPA provides that:

'a person is guilty of an offence if otherwise than for the purpose of discharging his functions under this Act [ASPA] he discloses any information which has been obtained by him in the exercise of those functions at which he knows or has reasonable grounds for believing to have been given in confidence.'

Unlike the Upper Tribunal decision in the *University of Newcastle v the Information Commissioner* [2011] UKUT 185 (AA), the MRC believes that because your requests concern distinct functions under ASPA the provision of information to you would be a disclosure in contravention of section 24 ASPA. A breach of section 24 ASPA permits the Home Office and/or other relevant prosecuting authority to prosecute the MRC and/or its individual employees.

Section 44(1) FOIA states that:

'Information is exempt information by virtue of section 44(1) if its disclosure (otherwise than under this Act [FOIA]) by the public authority holding it is prohibited by or under any enactment.'

Given our position in relation to section 24 of ASPA and that disclosure of the information would amount to a breach of our obligations in terms of ASPA, the MRC considers that the information you have requested is exempt from disclosure under section 44 FOIA. Section 44 of the FOIA is an absolute exemption and does not require the application of the public interest test.

I hope that you find this information useful, if you have any questions, or would like any further information, please let me know.

However, if you are not satisfied that this response has been handled appropriately, you may appeal using the MRC's complaints procedure. Details are on the MRC website at www.mrc.ac.uk/index/about/about-contact. You may contact the MRC Complaints Officer by email at customer.service@headoffice.mrc.ac.uk or write to The Complaints Officer, Medical Research Council, 14th Floor, One Kemble Street, London WC2B 4AN.

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office,
Wycliffe House, Water Lane,
Wilmslow, Cheshire, SK9 5AF.
Telephone: 0303 123 1113
Website: www.ico.gov.uk

Yours Sincerely,

Rosa Parker
Freedom of Information Officer
Medical Research Council

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