

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 27 July 2015

**Public Authority:** Department for Environment, Food and Rural Affairs (Defra)

**Address:** 55 Whitehall  
London  
SW1

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about total costs attributed to Bovine TB over the last 10 years, itemised as clearly as possible. In addition the complainant asked for projections for the next 10 years and asked that these also be quantified and qualified. Defra has not responded to this request.
2. The Commissioner's decision is that Defra has breached section 10 FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Provide a response to the complainant's request in compliance with the FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

#### **Request and response**

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5. On 16 February 2015, the complainant wrote to Defra and requested information in the following terms:

"David Cameron and Liz Truss have repeatedly gone on record as stating Bovine TB will cost £1 Billion over the next 10 years. Bearing in mind that RFI6864 clarified the amounts paid in compensation are less than £30 Million a year and falling I would like an explanation of how DEFRA has arrived at their £1Bn figure.

So my question is this, can you supply total costs attributed to Btb over the last 10 years, and can this be itemised as clearly as possible to avoid further FOI requests.

Can you also supply projections for the next 10 years and can these also be quantified and qualified."

6. Defra has not responded to this request in accordance with the requirements under the FOIA.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 22 April 2015 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether Defra has complied with its obligations under the FOIA.

### **Reasons for decision**

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9. Section 10 of FOIA states that, "Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."
10. In this case the complainant submitted his request on 16 February 2015 and Defra has not responded to this request for information in accordance with its obligations under the FOIA. Defra has not therefore responded within 20 working days. As it has not responded within the statutory time for compliance it breached section 10(1) FOIA in relation to its handling of this request.

## Right of appeal

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11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**