

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 July 2018

Public Authority: Animal and Plant Health Agency
Address: Weybourne Building
Woodham Lane
New Haw
Addlestone
Surrey, KT15 3NB

Decision (including any steps ordered)

1. The complainant has requested information relating to bee colony losses. The Animal and Plant Health Agency (APHA) failed to respond to this request for information and the Commissioner's decision is that in doing so APHA breached section 10(1) of the FOIA. The Commissioner requires the public authority to provide the complainant with a response to this request in accordance with its obligations under FOIA.
2. 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 FOIA and may be dealt with as a contempt of court.

Request and response

3. On 30 April 2018, the complainant wrote to APHA and requested information in the following terms:

'National Bee Unit FOI request

Reason for request: to ascertain the factors influencing how the NBU investigated honey bee colony losses. ***Period:*** Between the dates of 1st April 2017 and 30th April 2018

The following information is requested:

- a) *List of all the entries on the colony loss database for Oxfordshire for the period*
 - a. *Including when each entry was made onto the database*

 - b) *Chronology and subject of correspondence concerning all reported colony losses in Oxfordshire for the period.*
 - a. *Summary including dates of*
 - i. *samples received by the NBU*
 - 1. *collected by the bee inspector,*
 - 2. *collected by the beekeeper*
 - a. *action taken with those samples*
 - ii. *internal discussions, correspondence dealing with*
 - 1. *the reported colony losses,*
 - 2. *and systems used in reporting and managing potential colony loss events*
 - iii. *telephone calls, e-mails, conversations relating to any of the incidents or individuals concerned, to and from*
 - a. *beekeepers,*
 - b. *members of the NBU*
 - c. *current and ex members of the BBKA*
 - d. *the NFU*

 - c) *conclusions reached on the reasons for the colony losses including the*
 - a. *information taken into consideration*
 - i. *rationale for decision*
 - b. *action taken*
 - c. *responses made to beekeepers'*
4. APHA updated the complainant on 31 May apologising for the delay.

Scope of the case

- 5. The complainant contacted the Commissioner on 25 May 2018 to complain about the failure of APHA to respond to this request.
- 6. In line with her usual practice, the Commissioner contacted APHA on 6 June to highlight the outstanding response. She requested that APHA respond to the request within 10 working days. The correspondence was acknowledged but to date the complainant has not received a response.
- 7. The Commissioner considers that the scope of her investigation is to determine whether APHA has complied with Section 10 of the FOIA.

Reasons for decision

8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case APHA has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

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

Website: <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**