

ANNEX J

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-522 Freedom of Information Act 2000

Request details:

The requestor is asking for operational guidelines and procedures followed by DAERA Humane Slaughter Team during cattle culling operations.

Brief description of the Personal Data falling within the scope of the request:

Third party personal data

LAWFULNESS

Please identify the lawful bases for processing

Personal data is processed when it is lawfully disclosed in response to an FOI request.

The lawful bases for processing are set out in Article 6 of the GDPR and the ICO expects at least one of two lawful bases (Consent / Legitimate Interest) to apply before the personal data held can be disclosed.

- ☐ **Consent:** This will apply when the data subject(s) clear consent exists that allows you to disclose the personal data falling within the scope of this request.
- ☐ **Legitimate interests:** the processing is necessary for the Department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

Consideration of Legitimate Interests

1. PURPOSE

As the disclosure of personal data under FOI is to the world at large doing so on the strength of a requester's private interests alone could constitute a disproportionate and unwarranted level of interference with the data subject(s) rights and freedoms, particularly their right to privacy and family life under the Human Rights Act 1998.

2. NECESSITY

The right of access under FOI does not in itself constitute a **pressing social need**. The Department has considered and not identified any such need for the data subject's right to privacy to be interfered with.

CONCLUSION

Having considered all of the information contained within this test, the Department has established that, on balance, there is no lawful basis for the disclosure of third party personal data falling within the scope of the request of which the requester is not the data subject.

VSAHG

HST qualifications

- All team members have personal firearms licenses and experience.
- Our personal guns have licenses with permission to use for the humane killing of animals as part of their duties as a member of the Humane Slaughter team.
- Crown Immunity covers the use of the Dept issued weapons. The wording in the CI is as follows:

THE FIREARMS (NORTHERN IRELAND) ORDER 2004 – CROWN IMMUNITY

The purpose of this letter is to advise you that in your capacity as a member of the Veterinary Service's Humane Slaughter Team (HST), you are hereby authorised under Article 77 of The Firearms (Northern Ireland) Order to have in your possession and to use the firearms listed on Appendix 1 without a firearm certificate.

This authorisation also extends to the purchase, carriage, storage and use of the ammunition required by these firearms.

The conditions associated with this Authorisation are attached at Annex A. Please pay particular attention to the possible consequences of non-compliance with any of these conditions. Annexes B and C list a number of general and specific safety rules with which you are also expected to comply. Annex D is for use by the Dealer when supplying you with ammunition.

The Annexes to CI covers the governance, conditions and records:



Annexes A,B,C,D &
E (incl Dec 2013, Apr

Appendix 1 – lists the details of our weapons.

- All team members hold RCO (Range Control Officer) certification.

06/08/2026



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ballykelly House
111 Ballykelly Road
Limavady
BT49 9HP

6th January 2022

Dear [REDACTED]

THE FIREARMS (NORTHERN IRELAND) ORDER 2004 – CROWN IMMUNITY

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This authorisation also extends to the purchase, carriage, storage and use of the ammunition required by these firearms.

The conditions associated with this Authorisation are attached at Annex A. Please pay particular attention to the possible consequences of non-compliance with any of these conditions. Annexes B and C list a number of general and specific safety rules with which you are also expected to comply. Annex D is for use by the Dealer when supplying you with ammunition.

If you leave the Humane Slaughter Team for whatever reason, you must notify the Department in advance and make arrangements for the firearms to be surrendered before the date on which you leave the Team, as crown immunity ends on that date and retention of the firearms beyond that constitutes a criminal offence.

If requested, this letter should be produced along with other photographic ID such as valid Drivers Licence or Passport, as evidence that you have crown immunity status in regard to the use of the above firearms and the purchase, carriage, storage and use of ammunition for the above firearms - in pursuance of your duties as a member of the Humane Slaughter Team.

This authorisation expires when you cease to be a member of the Humane Slaughter Team, **or on 8th January 2027**, whichever comes first. It cancels and replaces the authorisation issued on 21st October 2021 which you must now destroy. The Department's Crown Immunity will be reviewed well before the expiry date with a view to renewal, if required.

Yours sincerely

R Huey
Chief Veterinary Officer

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.





Department of

Justice

An Roinn Dlí agus Clirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

FIREARMS (NORTHERN IRELAND) ORDER 2004

PURCHASE OR ACQUISITION OF FIREARMS AND AMMUNITION FOR THE PUBLIC SERVICE

The Department of Justice authorises, by virtue of Article 77(2)(b) of the Firearms (Northern Ireland) Order 2004, the Chief Veterinary Officer of the Department of Agriculture, Environment and Rural Affairs for Northern Ireland and members of his staff, designated by him, to purchase or acquire firearms and ammunition for use by members of the Veterinary Service Humane Slaughter Team and officers from the Police Service of Northern Ireland acting under their instruction.

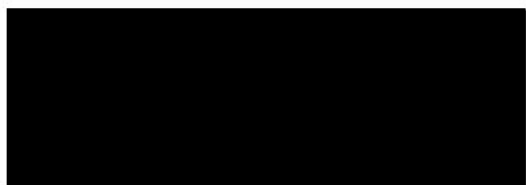
The firearms and ammunition must be stored under secure conditions approved, in writing, by the Chief Constable of the Police Service of Northern Ireland.

This authority does not exempt the holder from the need to comply with other provisions of the Firearms (Northern Ireland) Order 2004.

This authority will expire on 8 January 2027.

The Department of Justice may vary or revoke this authority at any time or cancel it at the request of the Chief Veterinary Officer.

This authority cancels and supersedes any previous authority granted for this purpose.



Head of Firearms and Explosives Branch
Department of Justice for Northern Ireland
6th January 2022



DAERA VETERINARY SERVICE CONDITIONS ASSOCIATED WITH CROWN IMMUNITY GRANTED BY THE CVO TO MEMBERS OF THE HUMANE SLAUGHTER TEAM (HST) UNDER ARTICLE 77 OF THE FIREARMS (NI) ORDER 2004

In your role as a member of DAERA Veterinary Service's Humane Slaughter Team (HST), DAERA's Chief Veterinary Officer (CVO) has granted you Crown Immunity (CI) by virtue of the attached letter issued in January 2022, in respect of all the firearms listed in the attached **Appendix 1**, including the ammunition required for these firearms. This means that you do not require a Firearms Certificate to use or have in your possession any of the firearms listed or the necessary ammunition for use with these firearms. The firearms you **normally** use are highlighted on the list.

Your role also requires you to be part of a killing team in an outbreak of epizootic disease.

CI also covers you for all training directly associated with your HST role.

To demonstrate that you fully understand and agree with these conditions, you must sign and date the declaration at para 11, retain a copy for your own records and return the original by email to CPED@daera-ni.gov.uk

GENERAL CONDITIONS – UNAUTHORISED USE, LOSS, CHANGE OF ADDRESS STORAGE, MAINTENANCE

- 1. Unauthorised use of the firearms and ammunition to which this authorisation relates and/or breach of any of the conditions listed below constitutes a disciplinary offence – see also para. 8.**
2. You must inform the Manager of the Humane Slaughter Team, the Welfare DVO and the PSNI immediately on discovery of the loss, theft, de-activation or destruction of any firearms or ammunition to which this Authorisation relates.
3. You must, within 14 days, inform the **Humane Slaughter Team Manager** of any change in your permanent address so that a revised authorisation can be issued.
4. You must keep the firearms and ammunition covered by this authorisation securely stored at all times (except when the firearms or ammunition are in use, or being cleaned, repaired, tested or in transit) so as to prevent unauthorised access so far as is reasonably practicable and to keep out of the reach of children. The gun cabinets supplied by DAERA for use by HST members to store these firearms and ammunition comply fully with the minimum required standard i.e. BS7558 (1992). The cabinets must be secured to the fabric of the building where the firearms and ammunition are to be stored.
5. When carrying the firearms and ammunition in a vehicle, they must be hidden from view (and if possible should be secured to an anchorage point or contained in a securely fixed and locked box within the said vehicle).
6. You should note that crown immunity covers use, storage and carriage of those firearms for which you hold CI, plus the necessary ammunition.



7. The holder of this Authorisation must clean the firearms regularly and make arrangements with a dealer for any necessary repairs or maintenance to be carried out.

TERMINATION OF HST DUTIES

8. If for any reason your duties with the HST terminate or are terminated, crown immunity ceases immediately and you will then be committing a criminal offence by having possession of the firearms and ammunition. For that reason, you should give at least 2 weeks notice of your intention to cease HST duties and make arrangements to surrender the firearms and ammunition in good time. Similarly, if your services are being terminated by DAERA, adequate notice will be given to you so that you can surrender the firearms and ammunition in time.

REVOCATION OF PERSONAL FIREARMS CERTIFICATE (FAC)

9. If the PSNI have concerns:
- (a) about your fitness to hold personal firearms; or
 - (b) consider you a danger to public safety and the peace; or
 - (c) consider that you do not have a good reason for possession of firearms, they will seize your FAC and all firearms at your address, including your DAERA firearms. This may result in revocation of your FAC. If so, your Crown Immunity status will automatically cease at the same time. Note – in the event of such a seizure, the normal appeals mechanism (to DOJ or NIO) applies for the firearms on your FAC.

USE OF DAERA FIREARMS OUTSIDE HST DUTIES FOR TRAINING

10. If you are a member of a PSNI-licensed gun club you may use your DAERA firearms for practice sessions to supplement DAERA training and for zeroing your firearms. For the purposes of this document the term “practice” is intended to cover use on PSNI-approved ranges that are approved in writing or text message, in advance, by HST Management at Grade 7 level and recorded within the HST log book. No T&S, TOIL, overtime or flexi credit will be applicable for such practice sessions.

11. DECLARATION

I hereby confirm that I fully understand the conditions listed above and agree to comply with same. I also agree to abide by the Safety Guidance and Standards documents which are attached at Annexes B, C, D and E.

Signed.....

Date.....

(Print name here).....

GENERAL SAFETY GUIDANCE FOR THE USE OF FIREARMS

Public Safety

Shooting will endanger public safety if not conducted in a safe and responsible manner. The responsibility for public safety lies with you, the shooter, and no one else. The careless use or handling of firearms can easily cause death or injury and you are required to observe the following simple rules to ensure that in using firearms you will not be a danger to yourself or other people.

General Safety Rules

Always:

1. treat a firearm as if it were loaded – always check.
2. store firearms and ammunition in a secure way to prevent unauthorised access, especially by children.
3. unload and, where possible, have another member of the HST check that the firearm is indeed unloaded when no longer in use. Clean firearms before putting them away.
4. point a firearm in a safe direction.
5. be aware of the maximum range and ballistic capabilities of the firearm and ammunition.
6. unload your gun before attempting to climb a stile or fence or to jump a ditch.

Never:

1. point a firearm at anyone, even if it is unloaded.
2. leave a loaded firearm unattended or carry a loaded firearm in a motor vehicle.
3. use a defective firearm. Make arrangements to have it repaired by a competent Gunsmith.
4. consume alcohol or prescription drugs before or during shooting that may impair your ability to shoot safely.

Safety in the shooting field or on the rifle range

1. Carry your gun safely. Keep the safety catch applied until you are ready to shoot.
2. Never shoot if you cannot see your target clearly and be aware of what may also be in the line of fire, especially if you miss your intended target or the bullet passes through the target.
3. Beware of targets and/or backstops that may cause ricochets. Do not shoot at a flat hard surface or at water.
4. Any shot you fire should remain within the boundaries of the land over which you have lawful authority to shoot and within your field of vision.
5. Bullet firing firearms should be used against a suitable backstop.

POLICY AND SAFETY GUIDANCE SPECIFIC TO HUMANE SLAUGHTER TEAM DUTIES

Hazards/points for consideration are:

- What is to be shot - size and species require different calibres of firearms.
- Signalling: Whistles; Air Horns. These are very useful in case you need to call for help or signal to someone not close by.
- Wounded animals. Can be very dangerous to approach. First shot should always be planned to incapacitate the animal.
- Dogs on farm can be just a nuisance or they can be a risk. They should always be closed up when the animals have been collected
- Cartridge cases (disposal / collection) especially .357 / .38 brass. Do not leave spent cases lying about. Tidy up after the shoot is finished.
- Slips / carrying cases (Gun Exposure / Enclosure). Keep firearms in their cases until required for use.
- Local on-site hazards. A risk assessment of the site is always carried out before shooting starts.
- Safe direction decision is required as part of the risk assessment.
- Public access: even other DAERA staff access. You must be aware of everyone on site and where they are during a cull.
- Property damage. Record any damage before and after so that you are not accused of causing damage that was already there.
- Weather conditions and lighting. Shooting in reduced lighting conditions brings extra hazards. Careful extra risk assessment is required and will possibly stop the cull until conditions improve.
- On-site security (personnel, guns and ammunition). The shooter must ensure that people and equipment are safe and secure at all times.

Never ever point a loaded firearm at anything you are not going to shoot at.

HST Standards for shooting and safety at training and culling for Epizootics, Enforcement and Welfare.

The object is to establish a set of standards that can be applied to members of the Humane Slaughter Team (HST).

HST members will be able to demonstrate:

- A **Practical Health and Safety Attitude** which is applicable to the use of firearms in all situations when firearms are present and / or in use.
- A clear understanding and acceptance of the principle that a firearm is considered loaded until **PROVED** to be unloaded by two persons.
- A clear understanding and acceptance of the principle that a Firearm is always pointed in a safe direction whether **PROVED** or not.
- A knowledge of the danger areas and the ballistic capabilities of the firearms used by the team.
- A knowledge of animal anatomy that is satisfactory to demonstrate the layout of vital organs.
- The ability to say unequivocally that an animal is dead.
- Basic first aid ability to deal with accidents that could occur in connection with HST work.

HST members will also be capable of:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Training will be required at a level which will ensure that all active Team Members maintain the standards and will include the destruction of live animals where this is necessary for the achievement of the aims and objectives of DAERA.

Record of ammunition sold to Holder of this Authorisation

Instructions to anyone who sells ammunition to the holder of this authorisation

1. You must complete each column of the table below.
2. If the holder of this Authorisation is unknown to you, you should ask the holder to produce evidence of identity such as valid Drivers Licence, Passport or DAERA Authorisation Card.
3. I hereby certify that the entries I have made in columns A to D below are correct and relate to a transaction with the holder of this Authorisation, that I have inspected the record of previous transactions and that I have satisfied myself that the transaction below is reasonable.

A	B	C	D	E	
Date of sale	Name and address of Dealer	Type of ammunition	Quantity sold	Authority to possess ammunition	Usual signature (dealer) and date
				Crown Immunity Authorisation under Article 77 of the Firearms (NI) Order 2004	
				As above	
				As above	
				As above	
				As above	
				As above	
				As above	
				As above	
				As above	
				As above	

Reference Number – DAERA/26-522

Requested Information

The operational guidelines and procedures followed by the DAERA Humane Slaughter Team during cattle culling operations. This includes records which contain details of the types of firearms and ammunition used by DAERA's Humane Slaughter Team.

Exemption / Exception under consideration

Section 38 Health and Safety

Reasons why the public interest would favour disclosure:

The Department recognises the general public interest in openness, transparency and accountability in relation to the activities of public authorities. Disclosure of the information would contribute to public understanding of how the Department carries out its statutory functions and could provide assurance that appropriate equipment is used by the Humane Slaughter Team when undertaking operational duties.

There is also a public interest in enabling scrutiny of decisions made by public authorities and in increasing public confidence in the manner in which public resources are utilised.

Reasons why the public interest would favour withholding:

The Department considers there is a strong public interest in protecting the health and safety of members of the Humane Slaughter Team and others who may be involved in or affected by their operational activities.

The requested information relates to specific operational equipment used by the Team. Disclosure would reveal details regarding the firearms and ammunition deployed in the discharge of sensitive operational functions. The Department considers that disclosure would be likely to increase the risk of harm to staff by placing information into the public domain which could be used to identify, target, interfere with, intimidate or otherwise adversely affect those carrying out these duties.

The Department has also taken account of a recent incident involving the Humane Slaughter Team, which has heightened concerns regarding the safety and security of staff undertaking these functions. In light of this incident, the Department considers there to be a particularly strong public interest in avoiding the release of information that could increase the vulnerability of staff or expose them to additional risks.

The Department further considers that disclosure could undermine the safe and effective delivery of operational functions carried out by the Team. There is a significant public interest in ensuring that staff are able to undertake essential animal welfare, disease control and emergency response duties without being subject to increased risks to their health, wellbeing or personal safety.

The Department therefore considers that disclosure would be likely to endanger the safety of individuals involved in these activities and that section 38 is engaged.

Conclusion

The Department recognises the public interest in transparency and accountability and accepts that disclosure would contribute to public understanding of how the Humane Slaughter Team carries out its functions.

However, the Department considers that there is a substantially greater public interest in protecting the health and safety of those involved in carrying out these duties. Given the sensitive nature of the information requested and having particular regard to the recent incident involving the Humane Slaughter Team, the Department considers that the risk of endangerment to staff outweighs the benefits of disclosure.

Accordingly, the Department has concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure. The information is therefore withheld under section 38(1)(a) and section 38(1)(b) of the Freedom of Information Act 2000.

Veterinary Service Animal Health Group