Public Interest Test – FOI

Reference Number – DAERA/26-807

Requested Information

Information relating to the animal welfare concerns at the farm in Fivemiletown that resulted in the culling of cattle.

FoI Exemption under consideration - Section 30 Investigations and Proceedings

Reasons why the public interest would favour disclosure

- The Department's general approach is to disclose information unless there is a valid reason for withholding it under the Freedom of Information Act 2000
- There is a clear public interest in openness and transparency about how the Department carries out its animal welfare responsibilities, particularly in a case where concerns resulted in the humane destruction of animals
- Disclosure could help the public understand when the Department first became aware of the animal welfare concerns, how the concerns were brought to its attention and what action was taken in response
- There is also a public interest in understanding whether there were opportunities for the Department to intervene earlier and, if earlier action was not taken, the reasons for this
- Disclosure could help show whether the Department's procedures for dealing with animal welfare concerns worked effectively in this case and whether decisions were properly considered and based on the information available at the time
- The monitoring and enforcement of farmed animal welfare legislation is a matter of significant public interest. Disclosure could help provide assurance that concerns about animal welfare are taken seriously, properly investigated and followed up where necessary
- Greater openness about how the Department responds to animal welfare concerns may also increase public confidence in its work and encourage people to report concerns when they arise

Reasons why the public interest would favour withholding

- There is a strong public interest in allowing the Department to investigate suspected offences or breaches of legislation effectively. Disclosure of

information gathered during an investigation could, depending on the information involved, affect the Department's ability to carry out investigations effectively

- Investigations can depend on people being willing to provide information and co-operate with the Department. Disclosure of information that identifies, or could lead to the identification of, people who provided information could discourage them or others from coming forward in future
- There is therefore a public interest in ensuring that people are not discouraged from reporting animal welfare concerns or assisting with investigations because they are concerned that information they provide may later be made public
- Disclosure of information provided during an investigation could also reduce confidence in the Department's ability to handle this information appropriately. This could make it more difficult for the Department to obtain information needed to investigate future animal welfare concerns
- There is also a public interest in protecting information gathered as part of an investigation where its disclosure could harm investigative or enforcement work
- These concerns are not limited to this particular case. There is a wider public interest in ensuring that the Department can continue to investigate animal welfare concerns effectively and that people remain willing to provide information and assist with those investigations

Conclusion

There is a significant public interest in openness and accountability about the Department's handling of this case. In particular, there is a public interest in understanding when the Department first became aware of the welfare concerns, what action was taken and whether there were opportunities to intervene at an earlier stage.

This has been balanced against the public interest in allowing the Department to carry out investigations effectively. This includes protecting information gathered during investigations and ensuring that people are not discouraged from reporting concerns or providing information because they are worried that the information they provide may later be disclosed.

Having considered both sides, we consider that, for the information being withheld, the public interest in protecting the Department's ability to investigate and enforce animal welfare legislation effectively outweighs the public interest in disclosure. The balance of the public interest therefore favours maintaining the section 30 exemption for that information.