



Llywodraeth Cymru
Welsh Government

9 November 2017

Dear ,

ATISN – 11676 — Dog Breeding Review Questionnaire

Thank you for your request on the 27 September about the Welsh Government's Dog Breeding Review. We apologise for the delay in responding. The information you requested is enclosed. I have decided that some of the information is exempt from disclosure under Section 38 (1) of the Freedom of information Act:

Information is exempt information if its disclosure under this Act would, or would be likely to (a) endanger the physical or mental health of any individual, or (b) endanger the safety of any individual.

When considering the disclosure of information in response to a FoI request we need to take into consideration the effects of making the requested information freely available to everybody as disclosures, in response to requests, are made to the world at large and not just to the requester. Consequentially, whilst a requester may have a legitimate interest in being provided with the information and may have no intention of misusing that information, little, if any, weight can be given to the requesters intentions. Rather it is the likely uses that any unknown person may put the released information to that is given greater weight.

In this case the names of the individuals who are responsible for the licensing of breeding establishments are not being disclosed.

The intention behind this exemption is to prevent the disclosure of any information that would endanger any individual and where that disclosure would be likely to endanger:

- the physical or mental health of any individual, or
- the safety of any individual.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

When considering this request it has come to our attention that in some Local Authority areas, individual staff members are being subjected to almost daily abusive phone calls from unknown members of the public because the person, or persons, making these malicious calls believes the targeted individuals to be involved in the licencing of dog breeders. This, plus the fact that recent history is showing, what appears to be, a growing trend for individuals to be subject to attacks, vilification, or threats of actual violence against them and their families, from unknown persons via social media, etc. simply for going about their daily business.

Consequently we believe that releasing the names of the relevant individuals within Local Authorities would endanger the safety of those individuals, their colleagues and their families, as making these names freely available to everybody would provide those who look to undertake such malicious behaviour with more targets.

Public Interest Test

In order to satisfy the public interest test in relation to the exemption, it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to outweigh the public interest arguments in favour of release despite the prejudice that would or would be likely to arise.

Public interest arguments in favour of disclosure

The release of information relating to the identities of the individuals responsible for licensing may increase accountability in decision making.

Public Interest arguments in favour of withholding

The Welsh Government has a responsibility to keep individuals safe from any harm that may arise simply because they were doing their job. It is in the wider public interest that the Welsh Government is seen to be protecting individuals from such unwarranted abuse and harm.

Balance of public interest test

On balance I believe that the public interest lies in favour of withholding the information due to the need to ensure that the individuals involved are protected from physical and mental abuse.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or Email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.