

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 September 2021

Public Authority: The Board of Trustees

Address: University of Bristol
Beacon House
Queens Road
Bristol
BS8 1QU

Decision (including any steps ordered)

1. The complainant has requested information relating to the supply of canine cadavers to Bristol University ('the university'). The university withheld the names and contact information of its canine cadaver suppliers under section 38(1)(b) (Health and Safety) of the FOIA.
2. The Commissioner's decision is that the university is entitled to rely upon section 38(1)(b) as a basis for refusing to disclose the requested information.
3. The Commissioner requires no further steps.

Request and response

4. On 2 March 2020, the complainant wrote to the university and made a request for information. Due to the length of this request, it is laid out in an annex to this notice.
5. The university responded on 24 April 2020 and disclosed some information in response to this request but withheld information in response to part 5.
6. Part 5 of the request reads as follows:

"In relation to questions (1), (2), (3) and (4) please provide the names and contact details of any individuals or organisations from whom canine cadavers were received. Please provide a separate breakdown for each organisation or individual, and for each year."

7. The university confirmed to the complainant that it receives canine cadavers from three sources and provided a breakdown of the numbers of cadavers received for the years 2017-2019. The university confirmed that sources A and B are animal homes, and source C is a University scheme¹ through which individuals can donate their animals.
8. The university confirmed that the names and contact details of individual donors were exempt under section 40(2) (personal information) and the names and contact details of all suppliers, including individual donors and animal homes were exempt under section 38(1)(b) (health and safety).
9. Following an internal review the university wrote to the complainant on 10 June 2020, upholding its original position.

Scope of the case

10. The complainant contacted the Commissioner on 22 February 2021 to complain about the way that their request for information had been handled, specifically the university's refusal to disclose specific information in response to part 5 of the request.
11. The complainant confirmed that they were not concerned with the university's application of section 40(2) in relation to individual donors; only the decision to withhold the names and contact details of sources A and B, the animal homes, under section 38(1)(b).
12. The complainant is concerned that the endangerment that the university has identified is purely speculative and the university '*has provided no evidence of a real and significant risk of endangerment to the suppliers' staff in the event that the information were disclosed.*'
13. The complainant also noted that '*It would not make sense in the circumstances both for the University to confirm the arrangement with the animal centres thereby endangering its own staff, but not to disclose the details of the animal centres themselves.*'
14. The Commissioner therefore considers the scope of her investigation to be to determine if the university has correctly withheld the names and contact details of Sources A and B under section 38(1)(b).

¹ [Pet Memorial Education Programme | School of Anatomy | University of Bristol](#)

Reasons for decision

Health and safety

15. Section 38 of the FOIA states:

(1) *"Information is exempt information if its disclosure under this Act would be likely to –*

(a) *Endanger the physical or mental health of any individual, or*

(b) *Endanger the safety of any individual"*

16. The Commissioner's guidance *'Health and Safety- section 38²* states *'In section 38 the word "endanger" is used rather than the word "prejudice"'* and *'The use of the phrase "any individual" in section 38 includes any specific individuals, any member of the public, or groups within society.'*

17. In the Commissioner's view, three criteria must be met in order to engage section 38:

- Firstly, the actual harm which the public authority alleges would, or would be likely to, occur if the withheld information was disclosed has to relate to the applicable interests within the relevant exemption;
- Secondly, the public authority must be able to demonstrate that some causal relationship exists between the potential disclosure of the information being withheld and the endangerment which the exemption is designed to protect. Furthermore, the resultant endangerment which is alleged must be real, actual or of substance; and,
- Thirdly, it is necessary to establish whether the level of likelihood of endangerment being relied upon by the public authority is met – ie disclosure 'would be likely' to result in endangerment or disclosure 'would' result in endangerment.

18. Consideration of the exemption at section 38 is a two-stage process: even if the exemption is engaged, the information should be disclosed

² [Section 38 – Health and safety | ICO](#)

unless the public interest in maintaining the exemption outweighs the public interest in disclosure.

The applicable interests

19. The university has explained that it considers disclosure of the requested information would be likely to endanger the safety of the staff at sources A and B. The Commissioner is therefore satisfied that the first criteria within paragraph 17 has been met.

The nature of the endangerment

20. Endangering safety is usually connected to the risk of accident and the protection of individuals and the Commissioner notes that the university's submission specifically focuses on section 38(1)(b).
21. However, the Commissioner accepts that in circumstances where an individual or organisation is subject to targeted action by a campaign group, such as an animal rights group, this may in turn affect an individual's physical or mental health.
22. The Commissioner must now consider if there is a causal link between the names and contact details of the animal homes and the endangerment that section 38(1)(b) is designed to protect.
23. Returning to paragraph 12, the Commissioner recognises that a public authority will not necessarily be able to provide evidence in support of this causal link, this is because the endangerment relates to events that have not occurred. However, there must be more than a mere assertion or belief that disclosure would lead to endangerment ; there must be a logical connection between the disclosure and the endangerment in order to engage the exemption.
24. The university has explained that the two animal homes only euthanise animals in very specific circumstances and its policies are tightly regulated.
25. The university has also stated '*The University knows from experience that the use of animals in its operations is a highly emotive subject that can induce debate and controversy. In the past it has also led to threats to staff and facilities.*' The university appear to confirm that its own staff have been endangered as a result of its use of animals for teaching and research purposes.
26. Returning to paragraph 13, the Commissioner considers that most people will be aware that veterinary schools require animal cadavers for teaching and research purposes in the same way that medical schools require human cadavers. She considers this a reasonable

deduction but does not consider that a person would be able to deduce if a specific animal home donates cadavers to an educational establishment in the same way.

27. The university has stated that animal homes have also been criticised for the donation of cadavers and have been subject to threats previously. The university foresees that disclosure would lead to motivated, militant individuals undertaking action against sources A and B in the name of animal rights. This could lead to the identifying of specific staff members on social media, threats, violence on the premises against individuals and facilities and the encouraging of further illegal activities.
28. The university has consulted both sources A and B to seek their views on the potential consequences of their supply of cadavers to the University being made public. Both expressed substantial concerns, including the prospect of violent actions directed at their staff.
29. The university supplied the Commissioner with an extract from a letter it had received from one of the sources which states "*should the information be released I would be very anxious that our safety could be compromised... the public knowing that we donate cadavers could cause a huge backlash and potential threats from those with extreme views or those who are opposed to euthanasia.*"
30. The complainant has highlighted that whilst there are campaigning groups which are opposed to the breeding and use of animals for vivisection purposes there are no known individuals or organisations opposed to the euthanasia of animals.
31. The Commissioner agrees that whilst the university has cited previous instances of threats against animal homes from animal rights groups, it has failed to substantiate these references with any specific examples.
32. Whilst the Commissioner acknowledges that the FOIA is purpose blind, she considers the basis of the complainant's request relevant in this instance. The complainant is concerned that healthy dogs are being euthanised and supplied to the university in exchange for a fee.
33. The university strenuously denies this claim, stating '*None of the dogs supplied by Sources A or B are euthanised specifically for our use.*' The university goes on to confirm that both sources A and B would only euthanise a dog where a reasonable quality of life cannot be guaranteed to protect the animal from suffering, or to protect people or other animals from danger.
34. Whilst neither the complainant nor the university has named specific individuals or organisations within their submissions, this does not

mean that the requested information would not be of interest to any individuals who share the complainant's concerns or animal rights groups. This is evidenced by virtue of the request itself. The Commissioner is therefore satisfied that the second criteria within paragraph 17 has been met.

Likelihood of the endangerment

35. The university is relying upon the lower threshold of endangerment 'would be likely to'. The Commissioner's guidance states 'this means that even if there is below a 50% chance, there must be a real and significant likelihood of the endangerment occurring.'
36. Whilst the Commissioner recognises that the endangerment outlined by the university is not absolutely certain, she is satisfied that there is a likelihood disclosure would endanger the safety of staff at sources A and B.

Is the exemption engaged

37. Since the Commissioner is satisfied that the three criteria required to engage the exemption have been met, she considers the exemption properly engaged. She has therefore gone on to consider the public interest test. Even though the section 38 exemption is engaged, the Commissioner may still require the university to release the requested information if the public interest in doing so outweighs the public interest in maintaining the exemption.

Public interest test

Public interest in disclosing the information

38. The university acknowledges that it has an obligation, as a recipient of public funds, to be as transparent about its operations as possible. It needs to provide information to assure the public that its activities are conducted in an ethical manner; specifically those relating to any teaching or research activities that involve animals.
39. The university also accepts that the euthanasia of animals, including the use of euthanised animals for teaching and research purposes, is a divisive subject. The university recognises that it should be as transparent as possible on this subject matter, given the emotions that it evokes.
40. The complainant is concerned that if healthy dogs are being euthanised and supplied to the university in exchange for a fee, then it is within the public interest that both parties are held accountable for such practices.

41. The complainant is also concerned that the university has no procedures to ensure that the canine cadavers it receives are euthanised in line with the policies outlined in paragraph 33. Furthermore, the complainant seems to disagree with some of the aforementioned policies.

Public interest in maintaining the exemption

42. The university believes that *'disclosing the identities of the animal homes would actually act against the public interest. It would clearly not be in the public interest to enable acts that could endanger the health and safety of staff employed by animal homes.'*
43. Furthermore, the university has explained that it is difficult to source suppliers of canine cadavers and, should disclosure of the requested information lead to the loss of source A or B as a supplier, they would be difficult to replace.
44. The university's core functions are teaching and research and this includes the teaching of veterinary science to produce a high calibre of veterinary practitioners. This teaching, and the research undertaken within this field with the aid of animal cadavers, is in direct benefit of pet owners, the agricultural industry, animal rescue centres and welfare groups, and society as a whole in respect of the health and welfare of animals.
45. The university is concerned that the use of canine cadavers provides a practical teaching experience that cannot be replicated. Without the use of canine cadavers the calibre of teaching would deplete and this would affect the benefit to society as outlined above.

Balance of the public interest

46. Having considered the competing public interest arguments, the Commissioner has decided that the public interest favours maintaining the exemption.
47. In response to this request the university *'have confirmed that we do not receive cadavers from three sources that [the complainant] named due to particular concerns'* and, in recognising the complainant's concerns, the university *'has disclosed information about the numbers of canine cadavers received, the number of suppliers, the policies of the suppliers.'*
48. The Commissioner is satisfied that the university has disclosed as much information relating to the supply of canine cadavers as possible without risking the endangerment that may result from the disclosure of the sources themselves.

49. The Commissioner recognises the complainant's concerns and notes the FOIA's importance in holding public authorities accountable for wrongdoing. However, she also notes that there is currently no evidence in support of the complainant's allegations.
50. One of the sources in question has confirmed to the university that it already suffers negative press as a result of a local group who wrongly believe that it euthanizes cats unnecessarily. The Commissioner notes that disclosure would lend itself to further debate on this issue.
51. However, the university has emphasised several times that the cadavers it receives are dogs that would have been euthanised whether its relationship with sources A and B existed or not. The Commissioner believes that disclosure would be likely to fuel the negative attention that the sources receive in relation to the euthanasia of animals in general and that endangerment would be likely to occur.
52. The Commissioner specifically notes that the university's repeated attempts to allay the complainant's concerns have been unsuccessful. The Commissioner shares the university's belief that disclosure could lead to a targeted approach of the animal homes and their staff by unknown groups and individuals.

Right of appeal

53. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

54. 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.
55. 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

Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

"Please can you provide me with the following information. Please note that each of the following questions refers to the supply of canine cadavers to Bristol Veterinary School.

1. Please provide copies of all information held by the University relating to the supply of canine cadavers from 1st January 2013 to date. If the cost of compliance with this request exceeds the statutory limit, please provide the relevant information from 1st January 2017 to date.

2. Please confirm specifically the number of canine cadavers received from local authorities, animal rescue centres, animal warden services or any individuals, companies or organisations dealing directly or indirectly with dogs, between 1st January 2017 and 31st December 2017. If more than one organisation or individual provided you with the cadavers, please provide a separate breakdown for each organisation and individual.

. Please confirm specifically the number of canine cadavers received from local authorities, animal rescue centres, animal warden services or any individuals, companies or organisations dealing directly or indirectly with dogs, between 1st January 2018 and 31st December 2018. If more than one organisation or individual provided you with the cadavers, please provide a separate breakdown for each organisation and individual.

4. Please confirm specifically the total number of canine cadavers received from local authorities, animal rescue centres, animal warden services or any individuals, companies or organisations dealing directly or indirectly with dogs, between 1st January 2019 and 31st December 2019. If more than one organisation or individual provided you with the cadavers, please provide a separate breakdown for each organisation and individual.

5. In relation to questions (1), (2), (3) and (4) please provide the names and contact details of any individuals or organisations from whom canine cadavers were received. Please provide a separate breakdown for each organisation or individual, and for each year.

6. In relation to questions (1), (2), (3) and (4), please confirm the basis upon which the dogs were euthanised. If the dogs were stated to have been euthanised due to illness or injury, please confirm what measures are in place to confirm that this was the case.

7. In relation to questions (1), (2), (3) and (4), please confirm whether the dogs were euthanised by:

i) any employee or former employee of the University (whether or not they were employed by the University, when they euthanised the dogs)

ii) any consultant to, or former consultant to the University (whether or not they were employed by the University, when they euthanised the dogs).

iii) any individual who provides, or has provided services to the University. Please also confirm whether any of the individuals in (i), (ii) or (iii) above subsequently used the cadavers in connection with their employment at the University or with the provision of services to the University.

8. In relation to questions (1), (2), (3) and (4) please can you confirm the following.

i) Has the University made any contribution towards the cost of euthanising the dogs, transporting the cadavers following euthanasia, or disposal of the cadavers.

ii) Has the University provided the services (paid or unpaid) of any veterinary surgeons or trainees or students or any other individuals to the individuals, organisations or companies which supply the cadavers

iii) Has the University made any payments, directly or indirectly, to any individuals, organisations or companies, which collect, transport or deliver the cadavers.

iv) Has any individual or organisation made payments on the University's behalf for the collection, transport or delivery of the canine cadavers.

If the cost of compliance with this request exceeds the statutory limit, please provide the relevant information from 1st January 2017 to date.

9. Please provide full details of all ethics committee decisions since 1st January 2013 in relation to the supply of the cadavers. Please include details of any submissions or applications made to the relevant committees, copies of any correspondence held in relation to the submissions or applications, copies of any notes taken during committee meetings and copies of the decisions made.

If the cost of compliance with this request exceeds the statutory limit, please provide the relevant information from 1st January 2017 to date."