CITY OF WOLVERHAMPTON COUNCIL

Response to Request for Information

Reference FOI 121557
Date 11 December 2015

Meat Identification Tests

Request:
FREEDOM OF INFORMATION ACT REQUEST

In relation to any meat identification tests that have been carried out on behalf of your council in 2015 please provide me with a copy of the report only if the test showed there was a rogue species in the product.
If the report does not contain any of the following details, then please include them separately:

1. When the sample was taken,
2. What the sample was labelled or described as being,
3. Where the sample was purchased and who was described as the manufacturer/producer of the produce?
4. What the rogue species were in the produce and the percentage of each rogue species in the product?

Please find information in response to your questions 1, 2 & 4 below.

Sample Date	Description	Rogue Species	Percentage
22/01/2015	Minted Lamb Burgers	Chicken	Less than 1%
		Beef	Less than 1%
21/01/2015	Minced Beef	Pig	1-5%
		Sheep	1-5%
20/01/2015	Lamb Mince	Beef	Less than 1%
		Chicken	1-5%
		Pig	1-5%
21/01/2015	Lamb Mince	Chicken	5-30%

In response to your question 3, we can confirm that information is held but that following careful consideration, the Council regrets to inform you that it has decided not to disclose this information.

Information you have requested has been withheld from disclosure. The exemption engaged is Section 44 –

(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it –

a) is prohibited by or under any enactment
b) is incompatible with any Community obligation, or
c) would constitute or be punishable as a contempt of court.

(2) The duty to confirm or deny does not arise if the confirmation or denial that would have to be given to comply with section 1 (1) a) would (apart from this Act) fall within any of the paragraphs a) to c) of subsection (1).

This is an Absolute Class Based Exemption.

We have considered citing the statutory bar exemption at section 44(1)(a) of the FOIA by virtue of Parts 8 and 9 of the Enterprise Act 2002.

Section 44(1) (a) of the FOIA provides that information is exempt information if its disclosure is prohibited by or under any enactment. This is commonly known as a statutory bar to disclosure. In this case, the council stated that section 237 of the Enterprise Act 2002 provided a statutory bar to disclosure.

Section 237 of the Enterprise Act 2002 prohibits the disclosure of ‘specified information’ that relates to the affairs of an individual or business which a public authority has obtained in connection with the performance of certain functions.

Specified information must not be disclosed during the lifetime of the individual or while the business continues to exist unless the disclosure is permitted under sections 239 to 243 of the Enterprise Act 2002.