

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 July 2026

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant made a request for information about dogs housed at MBR Acres, a beagle-breeding facility in Cambridgeshire, in extreme weather conditions.
2. The Commissioner's decision is that the Home Office:
 - Did not correctly apply section 21 of FOIA with regard to part five of the request;
 - Failed to comply with section 1(1) of FOIA because it did not issue a response which properly addressed whether the requested information at parts 1 to 13 (excluding part five) of the request was held and, if held, either disclosed it or relied on a valid refusal notice.
3. The Commissioner requires the Home Office to issue a fresh response to each part of the request under FOIA stating whether the information requested is held, and if held, either disclose the information or issue a refusal notice which complies with section 17(1). It should also consider whether any information in scope may best be responded to under the Environmental Information Regulations 2004, if applicable.
4. The Home Office must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the

Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 14 August 2025, the complainant made a 13 part request to the Home Office for information relating to MBS Acres. A full copy of the request has been provided at the end of this decision notice under Annex A.
6. On 12 September 2025, the Home Office responded to the request providing general explanations to parts 1, 2, 3, 7, 9, 11 and 12 of the request. It provided a link to annual reports published by the Animals in Science Regulation Unit (ASRU) for part 5 of the request and also referred the complainant to these annual reports in response to part 6 of the request. It also provided explanations in response to parts 8, 10 and 13. A full copy of the Home Office's response has been provided at the end of this decision notice under Annex B.
7. On 15 September 2025 the complainant requested an internal review stating the following:

"Please may I request an internal review. In my request I ask very specific questions, some that require a simple yes or no answer, yet as far as I can see not one has actually been answered.

The ASRU annual report remains unpublished for 2024 and some of the questions I ask would not be reportable on there anyway.

I am well aware of the inadequate and poorly inspected operational guidance, code of practice and Establishment licence standard conditions – the whole 'audit' system relies heavily on self-reporting and whistleblowers."

8. On 17 October 2025, the Home Office provided an internal review stating the following:

"I have carefully considered your comments and consulted with the business area that responded to your request.

Upon review, I find the response provided to you to be correct. The business area addressed each of your questions in the FOI response.

To provide you with further explanation, ASPA sets a legal requirement for all licensed establishments that they are responsible for the welfare of animals on their premises. This includes maintaining appropriate temperature conditions for the animals they hold. The Regulator conducts audits at establishments to ensure that these conditions are being met. It is a requirement that Establishments report any non-compliance with the terms of their licence under ASPA – this includes compliance with the Code of Practice. The Regulator does not routinely require additional information such as temperature logs to be sent in. When concerns are raised, or self-reported by an establishment, the Regulator may ask for such logs to be sent to the Home Office, along with details of the welfare impact on the animals. If any welfare issues caused by excessive temperatures were reported, this will be considered as potential non-compliance and dealt with as per the Regulator's published Compliance Policy. If an incident of non-compliance was decided to have occurred, information on this would be published in the Regulator's Annual Report.

In conclusion, I am satisfied that the original response was correct. The business area provided you with a response to your request for information and further context has been provided as part of this internal review."

Scope of the case

9. The complainant initially contacted the Commissioner on 26 October 2025.
10. The complainant stated that they were dissatisfied with the Home Office's response and that it did not answer any of the questions.
11. The Commissioner considers that the scope of his investigation is determine whether the Home Office has complied with sections 1(1) and section 21 of FOIA.

Reasons for decision

12. As a background [Animals in Science Regulation Unit - GOV.UK](#) states the following:

"The Animals in Science Regulation Unit (ASRU) is a department of the Home Office responsible for regulating the use of animals in scientific research under the Animals (Scientific Procedures) Act 1986 ASPA. ASRU's primary role is to ensure compliance with ASPA by issuing licenses and overseeing establishments' adherence to the act's provisions. The unit is committed to protecting animals used in scientific procedures through the implementation of the 3Rs: replacement, reduction, and refinement. ASRU also provides guidance and regulatory advice to those planning to use living animals in scientific procedures, including how to apply for licenses and comply with legislation. The unit part of a comprehensive regulatory reform program aimed at enhancing protection for animals used in science while supporting transparent regulatory environment."

Section 21 – information reasonably accessible

13. Section 21 of FOIA applies where requested information is reasonably accessible to the applicant by other means.
14. In response to part five of the request, the Home Office directed the complainant to published annual reports stating that Animals in Science Regulation Unit (ASRU) contains a record of all incidents of non-compliance each year. It stated that the Annual Reports can be found at: www.gov.uk/government/collections/animals-in-science-regulation-unit-annual-reports
15. The Commissioner however notes that the link provided results in a page error.
16. He has however found that the Annual Reports can be found at the following link: [Animals in Science Regulation Unit annual reports - GOV.UK](http://Animals%20in%20Science%20Regulation%20Unit%20annual%20reports%20-%20GOV.UK)
17. The Commissioner notes that the 2024 report was not published until 6 January 2026 and therefore would not have been available to the complainant at the date the request was made. It is also not clear from the reports that were published at that date whether the Home Office holds any information about deaths from extreme temperatures at MBR Acres, in any event.
18. The Commissioner therefore finds that:
 - information cannot be considered "reasonably accessible" if it does not correspond to the request; and

- the Home Office failed to identify any accessible source that fulfilled the request.
19. From the information provided, the Commissioner finds that the Home Office was not entitled to rely on section 21 for part five of the request.

Section 1– general access to information

20. Under section 1(1) of FOIA, anyone who requests information from a public authority is entitled:
- a) To be told if the authority holds the information and,
 - b) To have the information communicated to them if it is held and is not exempt information.
21. The Commissioner finds that the Home Office provided general explanations about regulatory requirements but did not confirm whether it held recorded information relevant to the specific questions, including those concerning temperature logs, air quality monitoring and welfare checks.
22. The Commissioner notes that the complainant has framed some parts of their request as questions requiring a 'yes' or 'no' response. FOIA provides a right of access to recorded information, and it is perhaps appropriate that the Home Office has provided some general explanations, in response to some questions.
23. However, whilst FOIA does not oblige a public authority to provide opinions, or answers where this would require creating new information, the Home Office is nevertheless required to confirm whether it holds recorded information falling within the scope of each part of the request.
24. The Commissioner therefore finds that the Home Office provided explanations but did not confirm whether (in respect of each part of the request) it held recorded information, and, if held, whether it could provide that information, or explain why the information could not be provided.
25. Ultimately, in this case the Commissioner finds that the Home Office failed to comply with section 1(1).
26. The Commissioner requires the Home Office to issue a fresh response to each part of the request under FOIA stating whether the information

requested is held, and if held, to disclose the information or issue a refusal notice which complies with section 17(1).

27. The Commissioner also considers that some of the information requested may be classed as environmental in nature and the Home Office, as part of its fresh response, should consider whether it should reply instead in accordance with the Environmental Information Regulations 2004.

Right of appeal

28. 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

29. 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.
30. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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

Annex A – original request dated 14 August 2025

"...Here are my questions specific to the dogs housed at MBR Acres in extreme weather conditions be it hot or cold.

1. Per Lord Hanson of Flint - daily welfare check by competent personnel, Please confirm is this just a once in a day check? Is it scheduled to be at a particular time when heat is at a maximum? What exactly comprises a welfare check? Is this just a walk past or each dog thoroughly examined?
2. What happens when the staff leave, and only security guards are site. How is the dogs welfare monitored? For instance, is there CCTV in the sheds with at least one person monitoring it outside of working hours?
3. Is a temperature log kept for each shed? If so, are multiple readings taken throughout the day and in different areas of the sheds?
4. As regulators when there is extreme weather does MBR Acres send across copies of their temperature logs? Have these logs ever shown interior heat to exceed 24 degrees C or temperatures below 15 degrees C?
5. As dogs are specially protected species and each must have its own record, for those that have died in MBR Acres has this ever been noted as due to extreme temperatures?
6. If temperatures notified to ASRU have been outside the range of the COP what action has been taken?
7. Can you confirm that MBR Acres only has air circulation units as opposed to air conditioning i.e. cooling capacity.
8. Are readings taken of air quality, is the system compliant with minimum ventilation rates (in litres per second)? Air circulation unit compliance, is governed by Building Regulations Part F. The regulations specify minimum ventilation rates. Employers are legally required to ensure adequate ventilation in the workplace, including the proper functioning of air circulation units. This involves providing sufficient fresh air and removing stale, humid, or contaminated air. Compliance involves maintaining ventilation

systems, regularly checking air quality, and ensuring adequate fresh air supply, which is generally recommended to be between 5-8 litres per second per occupant.

9. COP - Section 3, Chapter 1: Advice applicable to all animals, 2.2 Ventilation – how many air changes are there per hour?
10. Why do staff leave early on hot days? If the Workplace (Health, Safety and Welfare) Regulations 1992 are not being met then neither is that ok for welfare of the dogs. Note that employers must provide a reasonable indoor temperature and ensure sufficient ventilation. Under regulation 6 employers must 'ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Does ASRU examine Health and Safety assessments? There's no law for maximum working temperature, or when it's too hot to work, because every workplace is different. However, all workers are entitled to an environment where risks to their health and safety are properly controlled. Heat is classed as a hazard and comes with legal obligations like any other hazard. Employers must keep the temperature at a comfortable level and provide clean/fresh air.
11. What automated heating system does MBR Acres had. Is this compliant with ensuring 24/7 temperatures of 15 degrees C or above? Have ASRU noted any instances of minimum temperature not being met? Note this must be at least 13 degrees C for staff doing physical work or 16 degrees C if no physical effort - Approved Code of Practice (ACoP) L24.
12. If this Establishment does have air conditioning in any of the sheds or workplaces is the cooling capacity above 12W? If so, are there regular energy efficiency inspections under the Energy Performance of Buildings Regulations 2012.
13. The Health and Safety at Work Act 1974 says employers must ensure that working conditions are safe, including air quality and temperature. Whilst this law is for staff clearly what is not suitable for humans is also not for dogs. Do ASRU examine Health and Safety Executive reports?"

Annex B – Initial Response from the Home Office dated 12 September 2025

"In response to questions 1, 2, 3, 7, 9, 11, 12 licensed establishments are responsible for the welfare of animals in their care at all times, including during extreme weather. Under the Animals (Scientific Procedures) Act 1986 (ASPA), all such establishments must comply with legal requirements and standards set out in the Home Office's published Operational Guidance and Code of Practice.

These documents require that the physiological needs of animals are met and require contingency plans (such as for temperature extremes). Establishment licence holders must ensure sufficient trained staff are in place to maintain high standards of care and facility management. Daily checks by competent personnel are mandated under Standard Condition 4 to monitor animal welfare and environmental conditions, with prompt action required to address any issues.

The Animals in Science Regulation Unit (ASRU) monitors compliance through regular audits, including both announced and unannounced visits, to assess animal welfare and adherence to ASPA.

In response to question 4, Standard Condition 18 is a legal requirement whereby any breaches, or potential breaches of licence conditions must be reported to the Regulator. I can therefore provide assurance that the framework provides for the welfare of dogs being closely monitored.

In response to question 5, the Animals in Science Regulation Unit contains a record of all incidents of non-compliance each year. The Annual Reports can be found at:

<https://www.gov.uk/government/collections/animals-in-science-regulation-unit-annual-reports>.

In response to question 6, the Animals in Science Regulator takes any instances of non compliance very seriously and has published its compliance framework which explains how it identifies and investigates potential incidents of non-compliance and decides on appropriate and proportionate measures and remedies where non-compliance has been found to occur. The Regulator's published compliance policy aims to reduce the risk of future non-compliance.

All cases of non-compliance are thoroughly investigated, and the outcomes are published in ASRU's annual report.

In response to question 8, Section 2.2.1 of the Code of Practice requires that air circulation, dust levels, and gas concentrations are kept within limits that are not harmful to the animals housed, and are appropriate for the housing system in operation.

In response to question 10 and 13, licensed establishments are responsible for the welfare of employees at animal testing facilities. The Animals (Scientific Procedures) Act 1986 (ASPA) does not require the Regulator to review Health and Safety Reports.”