

Our Ref: F0187428

If telephoning ask for:
Michael Hampton

17 March 2017

Dear [REDACTED]

REQUEST FOR INFORMATION

Thank you for your recent request, received by SEPA on 6 March 2017, in which you asked for the following information:

I am writing to request certain information in connection with the recent SARF report entitled "SARF098: Towards Understanding of the Environmental Impact of a Sea Lice Medicine - the PAMP Suite" confirming that the use of Emamectin Benzoate (SLICE) and similar chemicals to kill sea lice also have damaging impacts on local crustaceans.

I have been unable to trace the subsequent article. The information required is as follows:

- 1. Please supply copies of the draft article submitted by Mr Baird and of the final version if it has been published. An online reference to the latter, if it has been so published, will suffice.*
- 2. If the article has not yet been published does SEPA intend to publish it? If so, when?*
- 3. If SEPA has decided not to publish the article please confirm by whom that decision was taken. In this event please also supply copies of all internal emails, notes of meetings, online discussions and communications regarding that decision.*

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

1. Please refer to the enclosed document for a copy of the draft article relating to some of the issues surrounding the control of sea-lice.
2. We advise the draft article was never completed or published but elements of it can be found within the article in the link below.

<http://www.sepaview.com/2017/03/our-sector-plan-approach/>

3. The decision not to finalise or publish the article was made by Terry A'Hearn from discussions with colleagues. We advise the discussions were verbal therefore we do not hold any record to detail this decision. This information is therefore excepted under Regulation 10(4)(a) of the EIRs. The text of which is reproduced below;

- (4) *A Scottish public authority may refuse to make environmental information available to the extent that;-*
(a) *it does not hold that information when an applicant's request is received.*

The exception in regulation 10(4)(a) is subject to the public interest test in regulation 10(1)(b) of the EIRs. As SEPA does not hold the information in question there is no conceivable public interest in requiring that the information be made available. The public interest in making the requested information available is outweighed by that in maintaining the exception in regulation 10(4)(a) of the EIRs.

If you are not satisfied with our response, you have up until 14 May 2017 to request a formal review from SEPA at:

Access to Information
SEPA
Strathallan House
Castle Business Park
Stirling
FK9 4TZ
Email: foi@sepa.org.uk

If you are still not satisfied, you can appeal to the Scottish Information Commissioner.

www.itspublicknowledge.info/appeal

Your unique reference number is F0187428. Please quote this in any future contact with us about your request.

If you have any queries in the meantime, please contact me.

Yours sincerely

M Hampton

Michael Hampton
Access to Information Co-ordinator

What to expect when making a Request for Information

Each request for information, under The Environmental Information (Scotland) Regulations 2004 or the Freedom of Information (Scotland) Act 2002, is formally logged by the authority. The request falls within a process that has two internal stages carried out by the authority; a right of appeal to the Scottish Information Commissioner followed by an appeal to the Court of Session on a point of law only.

- Stage 1 – Request for information
- Stage 2 – Formal Review
- Stage 3 – Appeal for decision by Scottish Information Commissioner (OSIC)
- Stage 4 – Appeal to the Court of Session on a point of law only.

Each enquiry will have a unique Reference Number which should be quoted when you contact us.

How you will be kept informed

You will receive an acknowledgement for your request and Formal Review. We aim to reply to all enquiries promptly, within 20 working days. You will receive a response along with the requested information and/or an explanation regarding any withheld information. We may also contact you if we require clarification or if we are issuing a fees notice.

What happens once your enquiry has been responded to?

If you are not happy with the response or have failed to receive a response, you have the right to request a Formal Review from SEPA.

We will ensure that all personal data is processed, recorded and retained in accordance with the requirements of the Data Protection Act 1998 throughout the handling of each request. You have a right to see information about yourself via submitting a Subject Access Request under the Data Protection Act 1998.

What to do if you are not happy with how your enquiry and review were handled

If you are unsatisfied with our Formal Review response or have failed to receive a response, you can then appeal to the Scottish Information Commissioner via the links below.

www.itspublicknowledge.info/appeal

<http://www.itspublicknowledge.info/home/ContactUs/ContactUs.aspx>

Should you wish to appeal against the Scottish Information Commissioner's decision, you have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of the decision.