

Our Ref: F0190275

If telephoning ask for:
Cara Everitt

11 April 2019

REQUEST FOR INFORMATION

Thank you for your recent request, received by SEPA on 14 March 2019 in which you asked for the following information:

[1] *Please provide information on the use of Formalin on salmon farms and hatcheries since 1 January 2017. Please include data on the use of Formalin (and Formaldehyde).*

[2] *Please also provide information on any objections, complaints and concerns regarding the use of Formalin on salmon farms and hatcheries.*

[3] *Please provide information on discharges of Formalin, wastewater treatment of Formalin, environmental impacts and any mitigation strategies to deal with the environmental impacts of Formalin use.*

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.

Response

[1] Please refer to the enclosed spreadsheet which details the use of Formaldehyde provided in quarterly returns to SEPA since January 2017.

[2] SEPA's consultations page (<https://www.sepa.org.uk/regulations/consultations/>) identifies that CAR/L/1008962 Loch Garry, CAR/L/1008960 Loch Shiel and CAR/L/1001886 Camus na Mult, Loch Ness are the only advertised applications for freshwater fish farms which fall within the time period of the request. We confirm that SEPA did not receive any objections regarding the use of Formalin in response to the advertisement of these applications. Regulation 10(4)(a) of the EIRs applies;

(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.

Further to the response provided above, to provide information in relation to complaints and concerns regarding the use of Formalin on salmon farms and hatcheries we have conducted a search of SEPA's Environmental Licence Management System (ELMS) for any complaints which refer to Formalin or Formaldehyde. We have found one event that relates to a freshwater salmon farm. Please refer to the attached document, "F0190275 – ELMS R".

The information released with this response will be placed into the public domain. Therefore we have redacted some personal information and other information which may lead to the identification of individuals. We have done this under the terms of regulations 11(1) and 11(2) of the EIRs. The exceptions in regulation 11 regulate the relationship between the EIRs, the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (the DPA 2018). In this instance, the exception is absolute and we have not applied the Public Interest Test.

[3] In relation to information on discharges of Formalin, wastewater treatment of Formalin, environmental impacts and any mitigation strategies to deal with the environmental impacts of Formalin use. Please refer to the attached list of fish farm licences that may permit the use of formalin, detailing 184 sites.

In accordance with Regulation 6(1)(b) of the EIRs we advise that this information is publicly available and easily accessible. We advise that copies of licences are available from SEPA's Registry. <https://www.sepa.org.uk/contact/registry/>

Each licence details the treatment data at each site (where there is any). In addition information relating to any mitigation strategies that may be employed at sites that have a licence to use formalin, where held would also be held within the individual licences.

If you are not satisfied with our response, you have up until 11 June 2019 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 F0190275. 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

Cara Everitt

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.

Guidance on your rights and how to ask for a review is on the Scottish Information Commissioner's website;

<http://itspublicknowledge.info/YourRights/Askingforareview.aspx>

We will ensure that all personal data is processed, recorded and retained in accordance with the requirements of the Data Protection Act 2018 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 2018.

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.