

Our Ref F0190855

If telephoning ask for:
Cara Everitt

6 September 2019

REQUEST FOR INFORMATION

Thank you for your recent request, received by SEPA on 15 August 2019.

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.

For ease of reference, your request is replicated below together with our response.

With respect to the salmon landfill site run by Whiteshore Cockles in Uist could you give me the following information:

- What correspondence has taken place in 2019 between SEPA and Comhairle nan Eilean siar with regards to this site

SEPA does not hold any correspondence regarding fish burial.

- What correspondence has taken place between SEPA and Whiteshore Cockles in 2019

SEPA does not hold any correspondence regarding fish burial.

- How many visits have SEPA officials made to the site in 2019.

There have been no visits to the site in 2019.



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Stirling Office
Strathallan House, Castle Business Park,
Stirling FK9 4TZ
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- What tonnage of morts have been disposed of in this site in 2019 and from where did they come

SEPA does not hold any information on morts at the site.

- What plans are in place to ensure the site closes and what timescale does this involve.

SEPA does not hold any information as we do not regulate the burials on site.

Where we have advised no information is held, this is 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.

If you are not satisfied with our response, you have up until 1 November 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 F0190855. 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.