



RESPONSE TO F0194369

Request Timeline

Date	Status
21/07/2022	EIR Request received [statutory deadline 19/08/2022]
17/08/2022	EIR Response issued

Requested Information

[...] please provide any information on spillage, leakage and/or discharge of Imidacloprid - including the June 2022 incident in Norway - in salmon farming.

For example, has Benchmark, Mowi, Scottish Sea Farms (Norskott Havbruk), Grieg Seafood, The Scottish Salmon Company/Bakkafrost Scotland, Salmon Scotland or any other parties submitted documents as part of any ecological and environmental risk assessments referring to spillage, leakage and/or discharge of Imidacloprid?

Has the Scottish Environment Protection Agency (copied into this email) conducted any environmental risk assessments of spillage, leakage and/or discharge of Imidacloprid in salmon farming?

Response

We can confirm that we have handled your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs).

SEPA Access to Information Team began working remotely on 17 March 2020 due to COVID-19. In addition, there was continued disruption due to a sophisticated criminal cyber-attack on Christmas Eve 2020 which have significantly affected SEPA's ability to respond to Access to Information enquiries. More information about SEPA's response and service status can be found here: <https://www.sepa.org.uk/about-us/cyber-attack>

SEPA can confirm that Imidacloprid is not authorised to be discharged from any finfish aquaculture site in Scotland. No applications for authorisation to discharge Imidacloprid from a finfish aquaculture site in Scotland have been made to SEPA.

Since no applications have been made SEPA has not conducted any environmental risk assessments relating to spillage, leakage and/or discharge of imidacloprid.

SEPA has had joint discussions with Benchmark and the Veterinary Medicines Directorate regarding Imidacloprid. Information about those meetings has been released under a previous access to information request (please see F0191595 in SEPA's Disclosure Log detailed below).

We can advise that information held by SEPA on the use of Imidacloprid has been previously released and can be found on SEPA's publicly accessible Disclosure Log. The Disclosure Log contains published Freedom of Information returns up to 23 December 2020, which was one day before the aforementioned cyber-attack against SEPA. Please search for preferred keywords by typing in the search box under Title at <https://www2.sepa.org.uk/disclosurelog/#>.

Alternatively, you can search by reference number for published responses regarding Imidacloprid and related subjects by typing any of the reference numbers listed below into the Ref Number box:

- F0192621
- F0192362
- F0191964
- F0191802
- F0191735
- F0191595
- F0191465
- F0191380
- F0191311
- F0190619
- F0190072

Further information regarding the regulations/ exceptions applied to this information can be found below.

Application of Regulations/Exceptions

Section 39(2)

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.

Regulation 6(1)(b) publicly available & easily accessible

Where we have advised above that information is publicly available & easily accessible Regulation 6(1)(b) applies, the text of which is reproduced below;-

6(1) Where an applicant requests that environmental information be made available in a particular form or format, a Scottish public authority shall comply with that request unless- (b) the information is already publicly available and easily accessible to the applicant in another form or format.

Regulation 9 – Advice and assistance

Where we have issued additional information or advice this is provided in line with SEPA's duty to advise and assist under Regulation 9 of The Environmental Information (Scotland) Regulations 2004.

Regulation 10(4)(a) – Information not held

Where we have advised above that SEPA does not hold this information it is excepted under Regulation 10(4)(a) of the Environmental Information Regulations 2004. 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.

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.