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marinescotland@gov.scot

Don Staniford by email
Global Alliance Against Industrial Aquaculture

Our ref: Fol/18/00662

15 March 2018

Dear Mr Staniford

Thank you for your request dated 1 March 2018 under the Environmental Information (Scotland) Regulations 2004 (the EIRs).

Your request

You asked for copies of photos of diseased farmed salmon held on file by the Scottish Government, to include photos taken of salmon on farms in Scotland during site visits and Fish Health Inspections, during post mortems and via laboratory tests and monitoring. The definition of "diseased" should include sea lice, infections, infestations, viruses, bacteria and other disease agents.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Response to your request

Photographs of diseased farmed salmon are widely available in the public domain. A simple internet search reveals many tens of pictures detailing the diseases specified within your

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
www.gov.scot/marinescotland

request. Published images associated with existing Marine Scotland web pages and supporting material (e.g. topic sheets) are also available.

Further to this, the Fish Health Inspectorate (FHI) publishes case information which includes detailed descriptions of the clinical, post-mortem and pathological observations associated with relevant inspections. As you are aware, publication of FHI case information is undertaken through our active publication plan, the details and contents of which are available on the Scottish Government website:

<http://www.gov.scot/Topics/marine/Fish-Shellfish/FHI/CaseInformation>

For the reasons detailed above, I am refusing this request under regulation 6(1)(b) of the EIRs. Regulation 6(1)(b) stipulates that we do not have to give you information that is already publicly available and easily accessible to you in another form or format.

I also note that within your request you stipulated that 'the link via AGD does not work'. Thank you for highlighting this. The link has been repaired and should now be working.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to

Graham Black
Director Marine Scotland
Scottish Government
Area 1B South
Victoria Quay
Edinburgh
EH6 6QQ

Email: directormarinescotland@gov.scot

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely,



Neil Purvis