



Don Staniford
salmonfarmingkills@gmail.com

Our Reference: 202100259475

Your Reference: FOI re. ISA in Scottish salmon since 1 January 2013

5 January 2022

Dear Don Staniford,

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

Thank you for your request dated 2 December 2021 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You referred to a previous request 'FOI/202100234467 replied to by the Scottish Government on 1 October 2021 and published online on 1 November 2021', and asked for further information 'on Infectious Salmon Anaemia in Scottish salmon since 1 January 2013'.

The request referred, in particular, to parts 2 and 5 of the response relevant to FOI/202100234467 asking for 'information for 2013 to 2021 in the same format as the Excel spreadsheet detailing ISA tests and results for 2002 to 2012 via FOI - 202100234467 - Information Released - Annex'.

The request further stated that 'If this information is not available in the same format please provide site specific details of ISA positive cases since 1 January 2013. In addition, information including raw test results, emails, letters, photos and any other data on ISA in Scottish salmon since 1 January 2013' was also requested, together with information relating to 'correspondence with the World Organization for Animal Health (OIE), EFTA, DEFRA, salmon farming companies and any other parties in relation to ISA in farmed salmon since 1 January 2013 (above and beyond any information which is contained via <https://www.gov.scot/collections/publication-of-fish-health-inspectorate-information/>).'

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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

As previously explained through our response to FoI 202100234467, information relating to the aquatic animal health surveillance programme conducted within Scotland, including the outcomes of that surveillance, is made publicly available through the Scottish Government website as detailed above. This includes data on the number of tests for ISA v (and other pathogens) as well as the results of those tests.

To facilitate you with searching published information I can advise you that two published cases have returned positive results for ISA v throughout the time period of your request. Further details are provided as follows:

1. Case number 20140560 relating to the site Loch Greshornish operated by Marine Harvest at the time of the inspection in 2014. A positive result for ISA v was obtained through diagnostic and statutory sampling. On both occasions insufficient product was present to allow sequencing and confirm any virus strain associated with this result. Consequently the presence of ISA v was ruled out as the results of sampling did not meet the official criteria to confirm the presence of the pathogen. Movement restrictions placed on suspicion at Loch Greshornish and three further sites (Ardintoul, Loch Duich and Torridon) which had epidemiological connections were revoked. Although the result was considered negative, in this situation the company undertook a commercial decision to depopulate the site at that time.
2. Case number 20210132 relating to Loch Spelve (B) operated by Scottish Sea Farms Ltd. Details concerning this case, including the confirmation of ISA HPR0 have been explained previously through FoI 202100234467.

In addition, a further positive result (ISA HPR0) has been obtained from the Ormsary Broodstock Unit operated by Landcatch Natural Selection Ltd - case number 20210470. Case information has not yet been published as this is still in the course of completion. This will be published in due course in line with the Scottish Government publication plan concerning aquatic animal health surveillance, as referenced above. Relevant information to your request is extracted from our records as follows – site visit date - 1 November 2021; one positive result - ISA v Real Time QPCR was obtained and was confirmed as ISA v (HPR0) which is not subject to statutory control measures. The test result related to a pooled sample of three fish.

In both the Loch Spelve and Ormsary Broodstock Unit cases initial movement restrictions were placed Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

on first suspicion and then revoked following the confirmation of the presence of ISA (HPR0), as opposed to the presence of ISAv (HPR-deleted). We have previously explained in significant detail the differences between ISAv – HPR0 and HPR-deleted strains and I would urge that the information provided to you through Fol 202100234467 is carefully considered as context with respect to this Fol response.

The majority of the information provided above is already available through the publication of case information and / or previous Fol responses – both references provided. Where information is already available, it is provided to you as a matter of courtesy. Information which is not publicly available has been extracted and provided above.

For your information, positive results from samples as part of the aquatic animal health surveillance programme within Scotland are reported to Defra for onward reporting to the OIE on a regular basis. Those communications have not been considered as part of this response as they add no additional information to your request relating to Infectious Salmon Anaemia in Scottish salmon since 1 January 2013.

You may also find additional information, released previously, through responses to Fol requests where they concern ISAv, published on the Scottish Government website: <https://www.gov.scot/publications/>

An exception applies

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because an exception under the EIRs applies - regulation 10(4)(a) – information not held. The reasons why this exception applies are explained in further detail below.

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have some of the information you have requested - information 'on Infectious Salmon Anaemia in Scottish salmon since 1 January 2013' for example photographs, letters or emails concerning ISAv because there have been no outbreaks of ISAv (HPR-deleted) causing ISA disease within that time period.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in information about Infectious Salmon Anaemia in Scottish salmon since 1 January 2013, clearly we cannot provide information which we do not hold.

Under regulation 6(1)(b) of the EIRs, we do not have to give you information which is already publicly available and easily accessible to you in another form or format. If, however, you do not have internet access to obtain this information from the website(s) listed, then please contact me again and I will send you a paper copy.

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

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review of the response, by writing to:

The Director of Marine Scotland:
Area 1B South, Victoria Quay
The Shore
Edinburgh
EH6 6QQ

Or by emailing 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
MSS : Aquaculture and Fish Health

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