



Mr Don Staniford  
Director  
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Website: [www.dft.gov.uk/mca/](http://www.dft.gov.uk/mca/)  
Our Reference: 3487  
18th June 2020

## Freedom of Information Act Request – FOI 3487

Dear Mr Don Staniford

You made a Freedom of Information request to the Maritime and Coastguard Agency (MCA) which was given the reference number FOI 3444 to which the MCA replied on 26<sup>th</sup> March 2020.

You have subsequently asked the MCA to *“provide information relating to the death of Clive Hendry at Mowi’s Ardintoul salmon farm in Loch Alsh on 18 February 2020. This fatality was widely reported in the media along with the statement from Mowi.”*  
*“We continue to assist all relevant authorities, including police, the Health & Safety Executive and the Maritime and Coastguard Agency, that are investigating the incident”*

Under the Freedom of Information Act 2000 the MCA is unable to confirm or deny whether an investigation is or is not being undertaken and seek a non-absolute exemption under S 2 (30) of the Act which states

S 2 (30) Investigations and proceedings conducted by public authorities.

(1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of—

(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained—

(i) whether a person should be charged with an offence, or

(ii) whether a person charged with an offence is guilty of it,

(b)any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or

(c)any criminal proceedings which the authority has power to conduct.

(2)Information held by a public authority is exempt information if—

(a)it was obtained or recorded by the authority for the purposes of its functions relating to—

(i)investigations falling within subsection (1)(a) or (b),

(ii)criminal proceedings which the authority has power to conduct,

(iii)investigations (other than investigations falling within subsection (1)(a) or (b)) which are conducted by the authority for any of the purposes specified in section 31(2) and either by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under any enactment, or

(iv)civil proceedings which are brought by or on behalf of the authority and arise out of such investigations, and

(b)it relates to the obtaining of information from confidential sources.

We do not have any further comments on this matter.

If you are unhappy with the handling of your request, you may contact us within two calendar months to request an internal review by an officer who was not involved in the original response. Please write to the FOIA Unit at:

The MCA buildings are currently closed due to the Covid 19 situation, so please email : [InformationAssurance@mca.gov.uk](mailto:InformationAssurance@mca.gov.uk)

Please remember to explain the reasons for your dissatisfaction and quote the reference number above in any future communications.

In the event that you remain dissatisfied following our internal review you can apply to the Information Commissioner for a decision notice

The Information Commissioner's offices are currently closed due to the COVID-19 situation, and the following link contains information on how you should proceed:

<https://ico.org.uk/global/contact-us/>

Yours sincerely,

Maritime Investigations Team