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Marine Harvest (Scotland) Ltd

By email

5 September 2018

Dear ██████████

Thank you for your letter of 6 July 2018, in which you raised a number of concerns regarding the release of information relating to the publication of photographs of diseased farmed salmon from aquaculture sites in Scotland following a freedom of information request (Fol/18/01141). I apologise for the delay in responding.

I note your specific comments regarding the public interest in releasing this information. I also acknowledge the concerns that you raise regarding statements on social media and the potential impact that this may have upon your business interests.

As you will be very aware, as a directorate within Scottish Government, Marine Scotland must comply with the provisions of the freedom of information regulations including the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs). The legislation sets out that there is a strong presumption in favour of the release of information, and that any exceptions or exemptions to the release of information must be applied restrictively.

With regard to this particular enquiry, we did consider the request for information in great detail, and proactively sought the views of stakeholders, both within Scottish Government and externally. We can only withhold information or parts of information, if one of the limited and restrictive exceptions under the EIRs applies. In this case, no clear exception applied to the requested information. As such, we are required to the release the information.

It is important to recognise that the public interest can only be considered if an exception applies. If an exception does apply, we then consider whether the public interest lies in the disclosure of the information or in upholding the exception and withholding the information. No exception applied to the information in relation to this particular case.

We recognise the concerns around the potential use of images out of context. As you will be aware, we did make efforts to ensure that appropriate context was provided along with the images released. In common with other Scottish public authorities, we cannot consider the purposes to which requested information may be put. We are only able consider the request on its own merits, and if any exceptions may or may not apply. We will of course continue to consult with stakeholders with regards to any future requests for information.

I acknowledge your suggestion for industry and fish health professionals to collaborate and provide an online learning portal regarding ocean health. Perhaps this suggestion could be taken forward through the Farmed Fish Health Working Group. This would seem like a suitable forum to discuss the wider benefits of your proposal. We have advised the Secretariat for the Framework Group, so that this can be conveyed to the appropriate individuals. There is clearly a great deal to be gained through a public facing platform portraying the industry in terms of its activities and its wider environmental, social and economic impact within Scotland.

That said, regardless of any proactive publication of information, freedom of information requests will still be received, seeking additional, associated or specific information held. We have first-hand experience of this within the Fish Health Inspectorate in relation to our active publication of case information relating our programme of aquatic animal health surveillance.

I also note your request for Marine Scotland to watermark photographs with pertinent information. We will give that some consideration although ultimately we need to determine how information is presented in terms of the release of information held in response to any request under Fol or as part of any pro-active publication campaign.

Best regards

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