

RESPONSE TO F0192861

Request Timeline

Date	Status
09/12/2020	EIR Request received [statutory deadline 11/01/2021]
10/12/2020	Email from requestor clarifying request.
11/12/2020	Acknowledgement sent to requestor
01/12/2020	Apology email for delay sent to requestor
24/12/2020	Cyber-attack
01/03/2022	Response issued

Requested Information

1. Please provide information on the use of Hydrogen Peroxide in salmon farming - via both wellboats, tarpaulins and any other methods - since 1 January 2016 (effectively an update on the data published by GAAIA in February 2017). Where is the data for use of Hydrogen Peroxide via tarpaulins and any other methods of application?
 - A. Please include Excel spreadsheets, data, emails, letters, reports and any other information related to the use of Hydrogen Peroxide in salmon farming in Scotland.
 - B. Please also include any information including emails, discussions with the Scottish Government, SSPO and any other parties relating to the non-reporting and non-recording of Hydrogen Peroxide use.
 - C. Provide information pertaining to why the use of Hydrogen Peroxide has remained unreported, unrecorded and/or unpublished including any discussions with the Scottish Government, the SSPO, Mowi and other salmon farming companies.

2. Please explain why the use of Hydrogen Peroxide is not included via the 'Scotland's Aquaculture' database:

http://aquaculture.scotland.gov.uk/data/fish_farms_monthly_biomass_and_treatment_reports.aspx

As context, the information provided on 30 September 2020 via FOI/202000084741 - online via <https://www.gov.scot/publications/foi-202000084741/> - included data on the use of Hydrogen Peroxide (Paramove) in 2019 via wellboats; namely: Scottish Salmon Watch finds it difficult to believe that this was the only use of Hydrogen Peroxide in 2019.

Another FOI replied to by the Scottish Government on 30 September 2020 (FOI-202000084355) detailed an Excel spreadsheet of data of chemical use via wellboats for 2018: <https://www.gov.scot/publications/foi-202000084355/> - including data on the use of Hydrogen Peroxide: Again, Scottish Salmon Watch struggles to believe that Grieg Seafood was the only user of Hydrogen Peroxide in 2018.

In April 2018, a FOI disclosure by the Scottish Government provided data on Hydrogen Peroxide use via wellboats (although it appears the data returns were not complete):

<https://www.gov.scot/publications/foi-18-00985/> - including: Please note that GAAIA published data on Hydrogen Peroxide use in February 2017 obtained from SEPA via FOI for period 2005 to 2015.

Read more via "Sky-Rocketing Chemical Use on Scottish Salmon Farms - Hydrogen Peroxide use leaps from 19,000 litres in 2005 to 19m litres in 2015".

A FOI reply from the Scottish Government in April 2019 provided some details on Hydrogen Peroxide use on salmon farms but no site specific data: <https://www.gov.scot/publications/foi-19-00723/>

Another FOI reply from the Scottish Government in December 2017 provided information on mortalities associated with the use of Hydrogen Peroxide in salmon farming:

<https://www.gov.scot/publications/foi-17-02755/>

Another FOI reply from the Scottish Government in December 2018 refused to provide information on Hydrogen Peroxide: <https://www.gov.scot/publications/foi-18-03273/>

Response

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

We apologise for the delay in providing this response.

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>

1. Please find attached two spreadsheets with the figures for Hydrogen Peroxide use reported by operators in their quarterly returns for the calendar years 2020 & 2021.
 - *HydrogenPeroxide15-19 FINAL.xls (do not include treatments carried out on wellboats)*
 - *HydrogenPeroxide-20.xls (do not include treatments carried out on wellboats)*
 - *HydrogenPeroxide-21.xls (include treatments carried out on wellboats)*

We can confirm that we do not hold any correspondence between the Scottish Government, SSPO or any other parties relating to the non-reporting and non-recording of Hydrogen Peroxide.

2. SEPA are working towards ensuring all data is made easily accessible by publication. We are currently exploring how we could make information hydrogen peroxide available via Scotland's Aquaculture Website. This requires development of the website and we are exploring with partners how we best achieve this as we prioritise improvements to our Information systems post the serious cyberattack SEPA experienced at the end of 2020.

Advice and Assistance

We can advise that treatments at fish farms can either be carried out directly in the pens or onboard wellboats adjacent to the pens. Authorisation and regulation of discharge treatment solutions from wellboats passed from Marine Scotland to SEPA on 9 November 2020.

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 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.

Regulation 14(1)(b) – Other authority

As confirmed above SEPA does not hold this information. In accordance with the terms of the EIRs regulation 14(1)(b), The text of which is reproduced below.

14(1) Where a Scottish public authority has received a request to make environmental information available and does not hold that information but believes that another public authority holds the information requested then it shall (b) supply the applicant with the name and address of that other authority

We advise that you contact:

Marine Scotland, 1A South, Victoria Quay, Edinburgh, EH6 6QQ

Telephone: +44 (0)300 244 4000

email: marinescotland@gov.scot

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.