



Don Staniford  
salmonfarmingkills@gmail.com

Our Reference: 202100254831

8 December 2021

Dear Mr Staniford,

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

Thank you for your request dated 12 November 2021 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You asked for information on Whiteshore Cockles since 26 July 2021 including any Cabinet Secretary, internal correspondence, complaints, photos, videos, emails, letters and any other information.

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.

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## Response to your request

I enclose a copy of the information you requested.

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 regulation 10(4)(e), internal communications, of the EIRs applies to that information. The reasons why that exception applies are explained in the Annex to this letter.

## Marine Scotland response

In relation to your request, we may hold some relevant information through the inspections conducted as part of Scotland's aquatic animal health surveillance programme. The results and outcomes of these inspections, including any information collected and retained, are published by Scottish Government, as part of an active publication plan -

<https://www.gov.scot/collections/publication-of-fish-health-inspectorate-information/>

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 review of the response, by writing to:

Sheila Voas  
Chief Veterinary Officer  
P Spur  
Scottish Government  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD

Email: [Sheila.voas@gov.scot](mailto:Sheila.voas@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.

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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

Sam McDonald  
**AHW : Disease Prevention**

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