

Our Ref: F0188509

If telephoning ask for:
Cara Everitt

12 March 2018

Dear Mr Staniford

REQUEST FOR INFORMATION

Thank you for your recent request, received by SEPA on 12 February 2018, in which you asked for the following information:

Please provide information on prosecutions involving fish farms since April 2006.

Please detail a list of successful prosecutions along the lines of the information detailed below.

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.

Response

We advise SEPA does not prosecute its own cases. SEPA reports cases to the Crown Office and Procurator Fiscal Service (COPFS) who receive reports relating to offences from SEPA, the police and other reporting agencies and then decide what action to take, including whether to prosecute.

We advise there have been two successful prosecutions involving fish farms since April 2006 resulting from SEPA reporting cases to the COPFS. Please refer to the summary below for details of each prosecution.

- Marine Harvest Scotland Ltd (following a plea of guilty were fined on 12 December 2007) – an unauthorised discharge of effluent to a river, depositing sludge on land and burning waste. All offences took place at the Amhuinnsuidhe Hatchery site on the Isle of Harris. Fined £23,500
- Lighthouse Caledonia Limited (pled guilty on 27 November 2008) - spilling diesel/fuel oil which leaked through a bund wall and then ultimately discharged to the Russel Burn. The Russel Burn flows into Loch Kishorn. Fined £12,000.

If you are not satisfied with our response, you have up until 9 May 2018 to request a formal review from SEPA at:

Access to Information

SEPA
Strathallan House
Castle Business Park
Stirling
FK9 4TZ
Email: foi@sepa.org.uk

If you are still not satisfied, you can appeal to the Scottish Information Commissioner.

www.itspublicknowledge.info/appeal

Your unique reference number is F0188509. Please quote this in any future contact with us about your request.

If you have any queries in the meantime, please contact me.

Yours sincerely



Cara Everitt
Access to Information Co-ordinator

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.

We will ensure that all personal data is processed, recorded and retained in accordance with the requirements of the Data Protection Act 1998 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 1998.

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.