

FOI Dossier (August 2018)

Photographs of Diseased & Deformed Scottish Salmon

- Scottish Government FOI disclosure despite legal threats from Scottish Sea Farms & The Scottish Salmon Company



Summary:

Photographs of diseased and deformed Scottish salmon were disclosed by the Scottish Government in [June 2018](#) and [August 2018](#) following Freedom of Information (FOI) requests by the Global Alliance Against Industrial Aquaculture (GAAIA) and Scottish Salmon Watch.

A FOI reply by the Scottish Government on 13 August 2018 revealed legal threats from salmon farming companies who objected to the disclosure of photographs. Lawyers acting for Scottish Sea Farms wrote to the Scottish Government in May 2018 stating that "our clients are very concerned about the proposed release". Disclosure "may be a breach of duty and actionable at law" argued lawyers acting for The Scottish Salmon Company in June 2018.

However, in mid-June 2018 the Scottish Government's FOI Unit and Marine Scotland concluded that the photographs must be disclosed and the offending images were published via [The Ferret](#), [Scottish Salmon Watch](#) and the [Scottish Government](#).

For specific documents disclosed via FOI please see Appendix. Please read more via:
[Horror photos of farmed salmon spark legal threat](#)
[EXPOSED: Gruesome Photos of Deformed & Diseased Scottish Salmon](#)
[Hard Evidence - Photos of Diseased & Deformed Scottish Salmon \(June 2018\)](#)
[Hard Evidence: Photos of Diseased & Deformed Scottish Salmon \(August 2018\)](#)

Specific Details Disclosed via FOI dated 13 August 2018:

- Legal Threats by Scottish Sea Farms & the Scottish Salmon Company:

Scottish Sea Farms (the subject of 5 out of the 45 photos finally disclosed) wrote to the Scottish Government on 12 June 2018 asking that the photographs not be released into the public domain under FOI "in order to safeguard the safety of our personnel, protect our legitimate economic interest, and prevent loss of confidence in the product and the wider Scottish salmon farming industry."

Publication could "incite activists to take action against salmon producers and to harass or threaten our staff," continued Scottish Sea Farms. "Once in the public domain there will be no control on the use of the graphic images and how they are depicted, which their disclosure [sic] would be likely to prejudice substantially public safety."

Scottish Sea Farms went on to argue that 'client confidentiality' precluded disclosure and referred to their Head of Veterinary Services who is also Senior Vice-President of the Fish Veterinary Society and "the principle of client confidentiality inherent in all veterinary work as set out in the Code of Professional Conduct for Veterinary Surgeons produced by the Royal College of Veterinary Surgeons. "The photographs are confidential due to the veterinary/client relationship," stated Scottish Sea Farms. "Scottish Sea Farms, being the owner of these animals, does not consent to these photographs, which were taken for valid and valuable scientific and veterinary diagnostic purposes being disclosed to the public."

[The current [Senior Vice-President of the Fish Veterinary Society](#) is Ronnie Soutar, Head of Veterinary Services at Scottish Sea Farms who has been on the board of the Scottish Society for the Prevention of Cruelty to Animals [since at least 2014](#) and [in June 2018 become Chair of the SSPCA](#)]

"Disclosure of these photographs will prejudice substantially the confidentiality of commercial/industrial information by releasing information which is protected," continued Scottish Sea Farms (a [Norwegian-owned company which aims to produce 26,000 tonnes of Scottish farmed salmon in 2018 rising to 40,000 "in the years to come"](#)). "Release of such confidential information will have an adverse impact on Scottish Sea Farms' legitimate economic interests, should the photographs be used against us.....This exposes Scottish Sea Farms to reputational damage which could have an adverse impact on our legitimate economic interests."

[In December 2017, the [BBC's 'One Show' broadcast shocking footage](#) of diseased and dead farmed salmon from [Scottish Sea Farms' operations in Loch Kishorn leaking on the road](#)]

"There can be no possible public benefit to releasing photographs of our fish undergoing post-mortem investigation," concluded Scottish Sea Farms [name redacted - although we know that the [Managing Director of Scottish Sea Farms is Jim Gallagher](#)]. "The public, if interested in such images, can access anonymous stock images showing these types of pathology from academic and other sources. The photographs of our fish are meaningless to the untrained eye, other than for graphic depiction of pathology for the purposes of shock effect. There is no need for these images to be released and to do so will harm Scottish Sea Farms' commercial reputation as the photos are likely to be interpreted incorrectly and used against us."

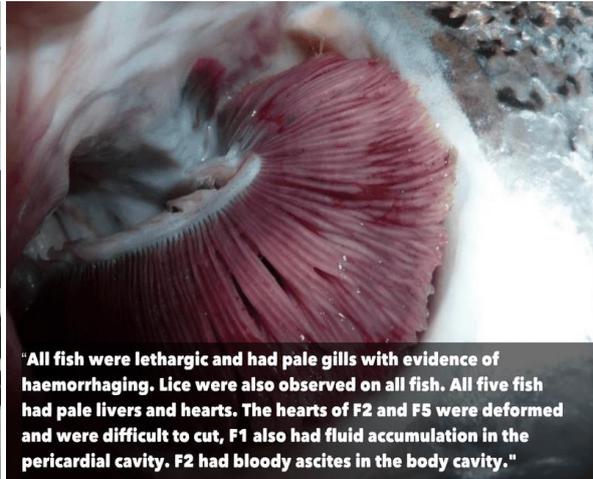
Here's [the Ferret's interpretation](#) of some of the photos relating to Scottish Sea Farms:



"During a routine inspection, four moribund fish were observed, two of which were hanging vertically in the water column... External examination showed exophthalmia in fish 1 and 3. Lesions were observed on the flanks of fish 1 and 2. "

Fish Farm: Kishorn B, Loch Kishorn

Company: Scottish Sea Farms
Problems: amoebic gill disease, lice
Fish health inspection: four fish sampled on 15 February 2017
Case number: 2017-0028



"All fish were lethargic and had pale gills with evidence of haemorrhaging. Lice were also observed on all fish. All five fish had pale livers and hearts. The hearts of F2 and F5 were deformed and were difficult to cut, F1 also had fluid accumulation in the pericardial cavity. F2 had bloody ascites in the body cavity."

Fish Farm: Kishorn West, Loch Kishorn

Company: Scottish Sea Farms
Problems: amoebic gill disease, poxvirus, heart and skeletal muscle inflammation, lice
Fish health inspection: five fish sampled on 5 September 2017
Case number: 2017-0398



Here's one of the offending photos from Scottish Sea Farms [published by Scottish Salmon Watch](#) explained in context with [Fisheries Health Inspectorate 'Case Information'](#):



[Photo: Farmed salmon from Scottish Sea Farms - Kishorn A \(South\) in Loch Kishorn \(2017-0496\)](#)

"The impact of such negative imagery would unjustly portray Scottish Sea Farms Ltd., and Scottish salmon farming in general in a negative perspective which will prejudice our legitimate economic interest through the loss of confidence in our product and that of the wider Scottish industry," argued a four-page legal submission dated 12 June 2018 from Scottish Sea Farms' lawyers [Shepherd & Wedderburn](#) (the name is redacted but George Frier is [described in a 2016 article in Scottish Legal News](#) as "SSF's long standing adviser" - he is [described in Chambers legal directory](#) as a "no-nonsense lawyer who sees all the issues and does a good job of arguing his client's case").

Here's the legal argument from [Scottish Sea Farms' lawyers at Shepherd & Wedderburn](#) in full:

Regulation 10(5)(e) applies to the request as the disclosure will prejudice substantially the confidentiality of commercial/industrial information where such confidentiality is provided for by law to protect our legitimate economic interest.

Precedent 1: economic damage

If ever proof were needed as to how one person or group's incomplete and inaccurate viewpoint, when mass-reported, can cause real economic damage to a farming sector, we need only look back to 3 December 1998 when Edwina Currie sparked outrage with her "most of the egg production in this country is affected with salmonella" claim.

Ms. Currie later put her comment down to a slip of the tongue, however the Junior Health Minister's ill-phrased comments led to:

- Egg sales in the UK plummeting by 60%
- The slaughter of four million hens
- 400 million eggs being destroyed.

Further reading: <http://www.independent.co.uk/>

In fact, the risk of an egg being infected with salmonella was less than 200 million to one (British Egg Industry Council); much like the fact that, while a small proportion of farmed salmon are affected by disease, as depicted by the requested images, these cases are not representative of the majority of farmed salmon and therefore a parallel can be drawn where such images when in the public domain are incomplete information with the unquestionable intended negative impact leading to prejudice our legitimate economic interest.

Precedent 2: loss of confidence in product

In 2004, an American research report claimed that increased environmental contaminant levels in farm-raised salmon could pose health risks to people. The news quickly spread throughout international media, even though the report actually showed that individual contaminant concentrations in farmed or wild salmon did not exceed US Food and Drug Administration action or tolerance levels. The economic impact of this case for the farmed salmon industry was significant with loss of product confidence by the public and reduced sales by retailers.

In 2018 and there has again been comparable high profile press coverage. This time, in Norway where the media has been reporting that harmful chemicals find their way into salmon feed and pose a risk to human health; comments that were based on 2004 research when levels of dioxins and PCBs were three times as high as they are now.

Despite this, the outdated and sensationalist claims have led some supermarkets to threaten to ban salmon products from their shelves, while the supermarket chain ICA has called for closed containment fish farms in order to prevent fish, diseases, sea lice or chemicals to leak out into the surrounding environment.

There already exists information from Marine Scotland in the public domain describing the mortality events and diagnostic visits as to ascertain if any notifiable diseases were present or developing. Therefore the supplementary photographic materials provide no further

information to the general public on the significant aspects to the inspection visit, instead these images can only serve to portray Scottish Sea Farms Ltd., and Scottish salmon farming in general in a negative perspective which will be expected when presented in the media to prejudice our legitimate economic interest through the loss of confidence in our product and that of the wider Scottish industry, as previously experienced after publication of the 2004 Hites paper.

Source: <https://www.fishfarmingexpert.com/article/salmon-health-scare-in-norway-creating-concern-in-scotland/>

Precedent 3: FOI requests intended specifically to prejudice economic interests

In 2017, the Scottish Information Commissioner ruled that Marine Scotland should disclose to a FOI requestor – Salmon & Trout Conservation Scotland (S&TC Scotland) – the names of farms that had been notified to Marine Scotland which breached a threshold level of three site average of adult female lice per fish level, as indication of sea lice disease.

The information requested was specifically intended for use to prejudice the economic interests of salmon farming companies by making the information of affected site names public and specifically raising the cases with retailer customers and the wider market for detrimental impact.

In the words of Guy Linley-Adams, Solicitor for S&TC Scotland: "As soon as we have the information, S&TCS will publish the list of Scotland's liceiest salmon farms and will be asking supermarkets to stop selling salmon from those farms."

Source: www.salmon-trout.org

This is precedent for this case as equivalent release of information provided in photographs of diseased farmed salmon in connection to farm site names. The disclosure of graphic photographic images as biological and environmental content are expected to be presented in the media in a negative risk-way on the industry rather than as a positive or benefit perspective of effective fish health monitoring by competent authorities, as described in Olsen and Osmundsen, 2017. The impact of such negative imagery would unjustly portray Scottish Sea Farms Ltd., and Scottish salmon farming in general in a negative perspective which will prejudice our legitimate economic interest through the loss of confidence in our product and that of the wider Scottish industry.

Olsen, M.S., Osmundsen, T.C. 2017. Media framing of Aquaculture. *Marine Policy*. 76, 19-27.

Additional supporting information

In the first known examination of how animal welfare information provided by media sources impacts beef, pork and poultry demand, *Impacts of Animal Well-Being and Welfare Media on Meat Demand* (Journal of Agricultural Economics, 2011, Volume 62, Issue 1), authors Tonsor and Olynk found that:

“media attention to animal welfare has a small, but statistically significant impact on meat demand. Long-run pork and poultry demand are hampered by increasing media attention”

Such findings were supported by McKendree et al. in their study *Effects of demographic factors and information sources on United States consumer perceptions of animal welfare* which states that media attention around the US swine industry had resulted in 14% of respondents reducing their pork consumption by an average of more than 50%.

Subsequent to this, the 2016 article *What we know about the public's level of concern for farm animal welfare in food production in developed countries* by Cornish, Raubenheimer and McGreevy states that:

“An EU study found that television was the most cited source of information, followed by the internet and newspapers, with most animal welfare information coming from mass media images and reports, particularly when reporting focused predominantly on negative issues (e.g. bovine spongiform encephalopathy (BSE) or *Salmonella* outbreaks). Recently, an online survey of almost 800 US households found more than half (56%) of respondents could not cite a source for animal welfare information”

This reiterates the influence of mass media images and reporting on public opinion, along with the tendency for this reporting to focus on negative risk perspective rather than for positive benefit.

Further reading: <https://onlinelibrary.wiley.com/>; <https://www.ncbi.nlm.nih.gov/>;
<https://www.ncbi.nlm.nih.gov/>

Regulation 10(5)(a) applies to the request as the disclosure would be likely to prejudice substantially public safety. As mentioned, the release of the photographs without context could lead to publication and use to incite activists to take action against salmon producers and to harass or threaten our staff.

Precedent 1: intimidation of staff

While farming animals and fish for food is a world-apart from drug testing, the case of Huntington Life Sciences (2007) is a strong example of just how far activists can take things.

In 2007, the Cambridgeshire-based laboratory came under attack and intimidation from:

- Masked protestors smashing up labs and surrounding homes of company directors
- Hoax bombs which were sent to victims' houses, abusive phone calls and threats of violence against employees
- 'Murderer', 'puppy killer' and 'scum' being daubed on homes and cars
- Leaflets being distributed near some company directors' homes falsely telling neighbours they were convicted paedophiles; others had blood-stained personal items sent through the post saying the blood was HIV positive.

A spokesman for Glaxo SmithKline condemned the attacks, which it said: "were clearly designed to disrupt work and terrorise employees". A spokesman said the firm helped test life-saving drugs.

One of the consequences of the attack was that permission was granted for company directors to use service addresses rather than home addresses for Companies House record purposes, to avoid them or their families being personally targeted.

Further reading: willans.co.uk, www.dailymail.co.uk; www.independent.co.uk; www.bbc.co.uk

Additional supporting information

Across salmon and other farming sectors, both here in the UK and around the world, there are several recent reports of intimidation and unrest being on the increase, with one report suggesting animal rights extremists are now targeting farmers at a rate of one incident every nine days:

[US fish farmers brace for negative campaign from animal activists](#), Undercurrent News

[Animal rights extremists target farmers](#), The Telegraph

['Vegans call me murderer and rapist'](#), BBC News

[Vegan activists want farmers children hurt as veggie politics get very dark](#), The Express

[Farming: Meet the young farmer taking the fight to vegans](#), The Express

[Women in Ag event attendees warned about activist groups' intentions](#), American Farm Publications

[Vegan animal rights activists are 'sending farmers death threats' branding them 'murderers'](#), The Independent

[Children of New Zealand farmers bullied for coming from a dairy farming family](#), Rural News

The Scottish Salmon Company ([whose largest shareholder is a Swiss financial institution](#), is [registered in Jersey](#), [listed on the Norwegian stock exchange](#) and is [linked to Ukrainian property tycoon Yury Lopatinsky, a leading figure in Moscow's financial scene since the mid-1990s and a neighbour of the First Minister of Scotland in Charlotte Square in Edinburgh](#)) also objected to the photos being disclosed (the Scottish Salmon Company was the subject of 7 out of the 45 photos finally disclosed):

"The Scottish Salmon Company as the owner of these animals, do not consent to these images, which were taken for valid and valuable scientific and veterinary diagnostic purposes, being disclose to the public," wrote The Scottish Salmon Company in an email to the Scottish Government dated 1 June 2018 (the name is redacted but it is known that the [CEO of The Scottish Salmon Company is Craig Anderson - 'Regional Director of the Year 2018'](#)). "Disclosure of these photographs will therefore prejudice substantially TSSC's confidentiality of commercial/industrial information by releasing information which is protected. Release of such confidential information could have an economic impact on TSSC should the photographs be used against us.....They are at best meaningless to an untrained eye, at worst liable to deliberate or accidental misinterpretation and could easily be used against TSSC by the party who has made the request, in circumstances which do not take account of the context in which these photographs were taken. This exposes TSSC to reputational damage which could have an economic impact."

As context, here's Scottish Salmon Watch's interpretation of the photos:
[EXPOSED: Gruesome Photos of Deformed & Diseased Scottish Salmon](#)
[Hard Evidence - Photos of Diseased & Deformed Scottish Salmon \(June 2018\)](#)



[Photo: Farmed salmon from The Scottish Salmon Company's Vuiabeag salmon farm in West Loch Roag on the Isle of Lewis \(2017-0467\)](#)

Here's The Ferret's interpretation of photographs of The Scottish Salmon Company:



"Upon inspection moribund and lethargic fish were observed in all cages...Externally, F1 and F3 had physical damage to the snout. F3 and F4 were found to be slightly anorexic with pale and zoned gills with F2 also having signs of necrotic gill tissue."

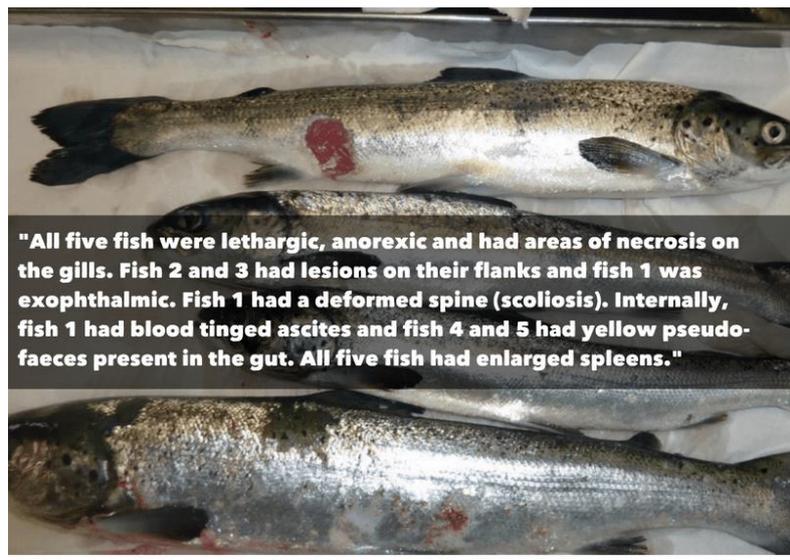
Fish Farm: Meall Mhor, Loch Fyne

Company: Scottish Salmon Company
 Problems: unknown
 Fish health inspection: unknown
 Case number: 2018-0113



Fish Farm: Inch Kenneth, Isle of Mull

Company: Scottish Salmon Company
 Problems: amoebic gill disease, pancreas disease
 Fish health inspection: four fish sampled on 7 March 2017
 Case number: 2017-0064



"All five fish were lethargic, anorexic and had areas of necrosis on the gills. Fish 2 and 3 had lesions on their flanks and fish 1 was exophthalmic. Fish 1 had a deformed spine (scoliosis). Internally, fish 1 had blood tinged ascites and fish 4 and 5 had yellow pseudo-faeces present in the gut. All five fish had enlarged spleens."

Fish Farm: Vuiabeag, Isle of Lewis

Company: Scottish Salmon Company
 Problems: amoebic gill disease, poxvirus
 Fish health inspection: five fish sampled on 19 October 2017
 Case number: 2017-0467



"There is no need for these images to be released and to do so will harm TSSC's commercial reputation as the photos will undoubtedly be interpreted incorrectly and used against us," continued The Scottish Salmon Company in an email to the Scottish Government dated 1 June 2018 (the contents of which bear a striking - almost word-for-word - similarity to the objections from Scottish Sea Farms). "Marine Scotland must question the reasoning behind a

request for the release of such photos and the misleading damage that could result to TSSC's reputation."

[Note that an email from a Marine Scotland Science official - name redacted - dated 30 May 2018 also referred to a phone conversation with Dave Cockerill "who is extremely concerned over the proposed release" and "in his view there is no public interest of releasing the images which will be used out of context in an inflammatory way". [Dave Cockerill's Linked in profile](#) lists him as 'Biology Director' of the Scottish Salmon Company following a 12-year stint managing fish health for Marine Harvest Scotland [where he collected an award from Scottish finance secretary John Swinney](#)]

The Scottish Salmon Company's lawyers CMS Cameron McKenna Nabarro Olswang LLP ([the world's 6th largest law firm by lawyer headcount and 6th largest in the UK by revenue](#)) submitted further legal comments to the Scottish Government on 13 June 2018 threatening that disclosure "may be a breach of duty and actionable at law":

From: [Redacted]@cms-cmno.com
Sent: 13 June 2018 17:13
To: [Redacted] (MARLAB)
Cc: [Redacted]
Subject: RE: FoI Request - photographs of diseased salmon - delay to the response being issued [CMCK-UK.FID13438907]

Dear [Redacted]

We note your email below and appreciate the clarification on timeframes and that the request was made under the Environment Information (Scotland) Regulations 2004 (the Regulations).

On behalf of our clients, The Scottish Salmon Company (TSSC), we maintain that the exceptions to disclosures contained in Regulations 10(5)(e) and 10(5)(f) apply to the FOI request for the photographs of TSSC's salmon. They are veterinary diagnostic images which were taken by the FHI Inspector acting in a diagnostic capacity contributing to the diagnostic efforts of the farm's veterinary services, rather than as a regulator.

It is self-evident that the interests of any farming or aquaculture business, like TSSC, would be substantially prejudiced if it is restricted in providing its animals the best available veterinarian services, as ensured by the Code of Professional Conduct for Veterinarian Surgeons (the Code). The Code exists to ensure the welfare of all animals and that they are given the best possible care, and confidentiality of information is one of its five key principles. If the Regulations are allowed to circumvent the protections and principles of the Code, it puts at risk the provision of the best veterinary services, which is at the heart of TSSC's business and its commercial interests. This is equally applicable to both 10(5)(e) and 10(5)(f) and not outweighed by a public interest test.

In relation to the other elements of the 10(5)(e) exception:- the photographs were taken as part of diagnostic and veterinarian activities and have the quality of confidence to be protected under the common law of confidentiality. In relation to the other elements of the 10(5)(f) exception:- (1) SSC was not under any legal obligation to supply the fish to be photographed; (2) TSSC did not allow the fish to be photographed so that the photographs could be released in to the public domain; and (3) the salmon were in the ownership of TSSC when the photographs were taken and TSSC do not give their consent to the release of the photographs.

Marine Scotland owes a duty of confidence to a third party whose information is protected by the exceptions under 10(5)(f), as the Information Commissioner's Office Guidance makes very clear. Clearly, the common law duty of confidentiality (referred to in the context of 10(5)(e) above) also places a confidentiality obligation on Marine Scotland. Therefore, although a third party has no right of veto (and this is not suggested by TSSC), neither is Marine Scotland entitled to disclose such information, to do so may be a breach of duty and actionable at law.

We would urge Marine Scotland to refuse to release the photographs, and the matter could then be referred by the applicant to the Information Commissioner for review.

Regards

[Redacted]
[Redacted]



- No Legal Threats from Marine Harvest, Cooke, Loch Duart or Grieg:

Marine Harvest, the subject of 22 of the 45 offending photos, did not raise an objection to publication (as far as the FOI disclosure itself is concerned - they could have made objections via phone calls or meetings).

Cooke Aquaculture, the subject of 4 photos, stated in an email dated 31 May 2018 to the Scottish Government: "I will pass this on, no really [sic] problems with the images being released. But you have to try."

Loch Duart, the subject of 4 photos, stated in an email dated 29 May 2018 to the Scottish Government: "Many thanks for the notification. We hope that it is being noted in the response some context - that these fish were killed for veterinary diagnostic testing by FHI in support of the investigation that was ongoing by the farm veterinarian and health team at the time."

Grieg Seafood, the subject of 3 photos, stated in an email dated 4 June 2018 to the Scottish Government (names redacted): "Thanks for keeping us informed. In our opinion the pictures attached do not resemble primary, clinical disease, rather physical injury with some secondary infection. I've read your further email so I'm aware of the decision to postpone release of this FOI."

- Cabinet Secretary Briefings and Discussions with Industry:

The FOI disclosure also revealed that Scottish Government civil servants briefed the Cabinet Secretary for Rural Economy & Connectivity (Fergus Ewing) and Cabinet Secretary for the Environment, Climate Change and Land Reform (Roseanna Cunningham) as well as the Scottish Salmon Producers Organisation (SSPO) and salmon farming companies prior to disclosure of the photographs.

"Yesterday I contacted several companies (Marine Harvest, SSF, SSC, Loch Duart, Grieg, Cooke) to advise them of our proposal to release these photographs with copies of the images subject to release," wrote Marine Scotland Science (name redacted) to an unnamed person in an email marked 'High Importance' on 30 May 2018 (Scottish Salmon Watch asked the Scottish Government on 21 August 2018 for a FOI review of the refusal to disclose specific names of civil servants). "Today I have had several emails of concern regarding the proposed release including communications from Shepherd and Wedderburn LLP acting on behalf of Scottish Sea Farms. I have also spoken to Dave Cockerill of SSC who is extremely concerned over the proposed release and will also be instructing the company Solicitors to reflect that concern with a written submission before Friday 1 June. Attached communications received so far for your reference."

"As a way forward we need to lay out our justification for releasing these images and address the concerns of the individuals made," continued the email dated 30 May 2018 from Marine Scotland Science in Aberdeen. "This relates to justification for releasing photographs as information under the regulations; consideration of all the appropriate exceptions; context of the images (this was always going to be provided in the response). Comments raised by Dave Cockerill include the commercial harm and that in his view there is no public interest of releasing the images which will be used out of context in an inflammatory way."

"Fish farming companies....are extremely concerned about this release of information," wrote the Scottish Government's Aquaculture Health, Welfare and Innovation Policy Manger in an email to the Cabinet Secretary for Rural Economy & Connectivity (copied to the Cabinet Secretary for the Environment, Climate Change and Land Reform) dated 31 May 2018. "Two companies have asked legal representatives to contact Scottish Government directly."

"We are seeking advice from the FOI unit regarding untested exemptions in this case, for example commercial confidentiality," continued the Cabinet Briefing dated 31 May 2018. "We will not be releasing information until this process is complete and we will keep SpAds [Special Advisers] and Ministers up to date. There is a very large collection of fish images held by the fish health inspectorate and the result of this FOI will have implications on the release of further images."

"I am in consultation with colleagues within Scottish Government regarding this request," stated an email dated 31 May 2018 to Scottish Sea Farms from an unnamed Marine Scotland Science official (name redacted). "I will inform you and your clients before any response is made to this request. Given the level of communications I have had with stakeholders concerning this, it is probable that a reply to the request will not be issued in time to meet the 1 June deadline."

"Mr Ewing has noted and would welcome a discussion next week," stated an email dated 1 June 2018 from the Private Secretary of the Cabinet Secretary for Rural Economy & Connectivity.

"I note your concerns regarding the release of images in relation to economic interests," wrote an unnamed Marine Scotland Science official in an email to The Scottish Salmon Company dated 8 June 2018. "If there is any potential for substantial prejudice to economic interests, it would benefit use if you could provide further evidence of the harm which could be caused or has been caused (?) from the release or use of similar types of information. This may help support any argument made under this exception. Such evidence could include, but would not be limited to evidence which supports: the loss of confidence in your product; a detrimental impact to buyers contracts; a detrimental impact to consumer sales. Firm evidence associated with the release of these types of information would be most beneficial to supporting a case rather than just relaying [sic] upon the potential impact, although I appreciate this may not be available."

"I refer to our recent communications regarding FoI/18/01141 requesting photographs of diseased salmon in relation to FHI visits which is being handled under the Environmental Information (Scotland) Regulations 2004," wrote an unnamed Marine Scotland Science official in an email dated 12 June 2018 to the salmon farming companies impacted by the photographic disclosure (Marine Harvest, the Scottish Salmon Company, Scottish Sea Farms, Cooke Aquaculture, Grieg Seafood and Loch Duart) and the SSPO. "I acknowledge that

several of you have made arguments, referencing the exceptions within the EIRs, objecting to the release of these images. We applied for an extension to this FOI and have consulted with our FOI unit who have provided expert guidance on this case. The arguments presented regarding exceptions within the EIRs have been carefully considered. It has been concluded that there are no justifiable exceptions which can be applied in this case and therefore we are required to publish these photographs. A more detailed justification will be provided to those who made such arguments in due course."

"It was always our intention to provide some context with respect to the images being released and this will be included as part of the response," continued the Marine Scotland Science official. "However, in our discussions some companies have expressed a desire to publish their own photographs relating to this FOI thereby allowing the use of their own narrative to accompany those images."

"We contacted the SSPO to discuss the potential for the PO [understood to be Producer Organisation] to publish these photos collectively on behalf of the individual companies," wrote Marine Scotland's Aquaculture Unit on 13 June 2018 in an email to the Cabinet Secretary for Rural Economy & Connectivity (copied to the Cabinet Secretary for the Environment, Climate Change and Land Reform). "The SSPO were not in favour of this approach and felt that the release of the photos by the PO could have the opposite of the intended effect, making it easier to sensationalise the images made available."

"We are also preparing for the eventuality that the photos are released and are working on the attached narrative to accompany the photos," continued the Cabinet Briefing. "We will keep Ministers updated. If the photos are to be released, lines will be prepared which draw upon the attached text in preparation for any media activity."

"I have communicated with you over the intention to release these photographs in response to the request received and whilst some stakeholders expressed no or limited concern regarding the same others have had concerns which have been more substantial," wrote Marine Scotland Science in an email to Marine Harvest, Scottish Sea Farms, the Scottish Salmon Company, Loch Duart, Grieg Seafood, Cooke Aquaculture and the SSPO dated 14 June 2018. "Marine Scotland has come to the conclusion that the photographs must be released in response to this FOI and will be done so along with the context which supplements this communication, provided in Annex 1. The release of information will be made on Friday 15 June at 1500 hrs."

"The decision on release remains solely for the public authority holding the information, taking into account of any third party views in so far as they help inform that decision," continued Marine Scotland Science (name redacted). "That said, a third party does not have a veto on disclosure of the information."

"I would like to thank you all for the assistance you have provided me in helping Marine Scotland handle this request," concluded Marine Scotland Science. "Where individuals have raised specific issues in connection with the exceptions of the EIRs a response is provided in Annex 2 of this email."

Annex 2 (emailed by the Scottish Government to salmon farming companies and the SSPO on 14 June 2018) presented Marine Scotland's arguments to support disclosure of the photographs:

Annex 2 – Response to the comments made in relation to specific exceptions within the EIRs

1. Regulation 10(5)(a) the disclosure would be likely to prejudice substantially public safety.

The argument was made that the release of the photographs without context could lead to publication and use to incite activists to take action against salmon producers and to harass or threaten our staff.

Marine Scotland response:

It was always intended that an element of context would accompany the information being released and this has been provided to you in Annex 1. It must be accepted that we have no control over the individuals using this information and whether or not they choose to use that context alongside the information provided.

We received some evidence from a stakeholder to support the argument made in relation to public safety in terms of harassment and threats to staff. Whilst we recognise risks of such activity do exist, experience tells us that the Information Commissioner's view would require firm evidence to support the application of this exception.

As part of making a decision to release or withhold information, public authorities should also take into account previous decisions made by the Scottish Information Commissioner.

A similar argument was made, and was not accepted, in Decision [103/2015](#) concerning a request for seal killing return forms from salmon farms for 2013 and 2014. Therefore, we do not believe that this exception can apply in this case.

2. Regulation 10(5)(e) applies to the request as the disclosure will prejudice substantially the confidentiality of commercial/industrial information where such confidentiality is provided for by law to protect our legitimate economic interest.

An argument was presented that photographs are confidential due to the veterinary / client relationship and the principle of client confidentiality as set out in the Code of Professional Conduct for Veterinarian Surgeons produced by the Royal College of Veterinary Surgeons. Further it is claimed that the disclosure of photographs will prejudice substantially the confidentiality of commercial/industrial information by releasing information which is protected and will have adverse impact on the industry's legitimate economic interests, should the photographs be used against the industry. Further concern over the lack of context around release of the photographs and concern regarding their use out of context and the deliberate or accidental misinterpretation of the photographs which could be used against the industry.

Marine Scotland Response:

Marine Scotland Fish Health Inspectors (FHI) are not veterinary surgeons and as such do not operate as registered vets under the Veterinary Surgeons Act 1966 (as amended) or in association with the Royal College of Veterinary Surgeons (RCVS) Code of Professional Conduct for Veterinarian Surgeons. Therefore, in relation to the surveillance conducted by the FHI and the information obtained through that process there is no confidentiality provided for by law in this case.

Diagnostic samples are undertaken primarily to rule out the presence of a listed and emerging disease, regardless of the level of suspicion of listed and emerging disease on site at that time. This regulatory function is the primary purpose of the visit, and providing any additional differential diagnosis is largely a secondary function of activity.

Marine Scotland recognises the potential economic impact that such images could pose. However, similar types of imagery relating to fish farming activity are already in the public domain, albeit not directly associated with individual businesses or sites. In addition, this type of information, although in a different format (words and description) is already in the public domain through the FHI active publication of case information.

As indicated above, context will be provided along with the information being released. However, it must be accepted that Marine Scotland has no control over those individuals using this information and whether or not they choose to use that context in assessing or portraying the information which is released. This is beyond the control of Marine Scotland and whilst the potential to portray the images in a negative light, out of context, is recognised, this in itself does not provide any grounds to withhold the information.

3. Regulation 10(5)(f) applies to the request as the release of the photographs will prejudice substantially the interests of the industry.

The argument was made that the industry were under no legal obligation to provide the photographs, and did not allow or expect the photographs to be taken in circumstances such that they could be made available and do not consent to the disclosure of the photographs. The confidential argument (under the Code of Professional Conduct for Veterinarian Surgeons) is made as detailed above.

It is argued that the information is supplied on a voluntary basis in the expectation that it would not be disclosed to a third party and the industry has not consented to its disclosure.

Marine Scotland response:

The photographs have not been provided by the industry but rather have been obtained by Marine Scotland Fish Health Inspectors during the course of statutory

surveillance inspections. Therefore, this exception and argument cannot apply in this case.

5. Regulation 10(4)(e) - the photographs constitute internal communications.

Marine Scotland response:

The photographs are taken to supplement diagnostic investigations conducted as part of an aquatic animal surveillance programme under the existing fish health regulations. It is Marine Scotland's view that they do not constitute internal communications and therefore this exception cannot apply in this case.

Further comments from Marine Scotland

When responding to requests under FoI a public authority must treat the request 'purpose blind' and is unable to consider the intentions of the applicant as part of the decision making process. The EIRs state that there is a strong presumption in favour of the release of information when it's requested, and that exceptions must only be applied in a restrictive manner.

Exceptions, where applicable, do not permit a blanket approach to withholding information but are subject to the public interest test whereby the public authority decides where the public interest lies – either within releasing information or in applying an the exception. In this particular case Marine Scotland are not applying any exceptions and therefore the public interest test is not required to be applied.

Marine Scotland has given this case careful consideration and has found that no unequivocal evidence has been provided which can be used to formulate a sound legal basis on which to apply exceptions in accordance with the regulations. Therefore, there is no option but to release the information requested.

"After stakeholder consultation, none of the companies concerned have expressed the desire to publish these photographs themselves," wrote Marine Scotland Science on 15 June 2018 in an update for the Cabinet Secretary for Rural Economy & Connectivity.

- The Scottish Government's Freedom of Information Unit force disclosure:

Discussions between Marine Scotland and the FOI Unit at the Scottish Government finally concluded that the photos must be disclosed (despite Marine Scotland Science staff intent on finding "any way that the information could be withheld").

From: [Redacted] **On Behalf Of** Freedom of Information
Sent: 15 June 2018 12:27
To: [Redacted] (MARLAB); Freedom of Information
Cc: [Redacted]
Subject: RE: FoI Request - photographs of diseased salmon - delay to the response being issued [CMCK-UK.FID13438907]

[Redacted]

Apologies for the delay in responding, just to confirm I agree, in my view, given the exceptions would not apply neither would the common law of duty of confidentiality.

Thanks

[Redacted] | Lead Caseworker | Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | 0131 [Redacted].

You can find the most recent information on FOI on the [FOI SharePoint site](#). It contains detailed guidance on all aspects of FOI, as well as step-by-step guides to answering a request and doing an internal review, response templates and sample reasons.

From: [Redacted] (MARLAB)
Sent: 14 June 2018 12:36
To: Freedom of Information
Cc: [Redacted]

Subject: RE: FoI Request - photographs of diseased salmon - delay to the response being issued [CMCK-UK.FID13438907]

Thank you [Redacted]

Neither 10(5)(e) or 10 (5)(f) applies. The photographs have not been provided by the industry but rather have been obtained by Marine Scotland Fish Health Inspectors during the course of statutory surveillance inspections conducted in line with regulatory requirements.

Presumably on this basis the common law of duty of confidentiality does not apply?

Best regards,

[Redacted]

Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB
Tel: +44 (0)131 244 [Redacted]
S/B: +44 (0)131 244 2500
Mob: +44 ([Redacted])
Fax: +44 (0)1224 295620
e: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)
w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted] **On Behalf Of** Freedom of Information

Sent: 14 June 2018 09:13

To: [Redacted] (MARLAB); Freedom of Information

Cc: [Redacted]

Subject: FoI Request - photographs of diseased salmon - delay to the response being issued [CMCK-UK.FID13438907]

Hi [Redacted]

I appreciate that this is a complex issue and that when releasing stakeholder information it can be difficult to manage expectations.

I will provide some further initial comments below, [Redacted], however both the [Redacted] circumstances under which the photographs were taken.

Regulation 10(5)(e) - The Scottish Salmon Company's argument as far as I understand it is that the photographs were taken 'as part of diagnostic and veterinarian activities' rather than by an inspector performing a statutory function as part of the inspection regime. [Redacted]. Where the relationship is between vet and animal owner there would be an expectation that the information was provided in confidence given the relationship however even if this was the case the exception would be very unlikely to apply to information which is publically available in another format (As I understand the information is published in written form?) as publically available information would be unlikely to have the required quality of confidence for disclosure to result in an actionable breach of confidence.

Regulation 10(5)(f) – Again this regulation very much depends on the circumstances under which the photographs were taken and whether these were provided by The Scottish Salmon Company on a voluntary basis or if they were obtained under a legal obligation as part of the inspection process? If they were not provided on a voluntary basis, this exception cannot apply under any circumstances.

Please let me know if this provides the clarity you require. [Redacted]

Kind regards

[Redacted] | Lead Caseworker | Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | 0131 [Redacted].

You can find the most recent information on FOI on the [FOI SharePoint site](#). It contains detailed guidance on all aspects of FOI, as well as step-by-step guides to answering a request and doing an internal review, response templates and sample reasons.

From: [Redacted] (MARLAB)

Sent: 14 June 2018 08:19

To: Freedom of Information; [Redacted]

Cc: [Redacted]

Subject: RE: FoI Request - photographs of diseased salmon - delay to the response being issued [CMCK-UK.FID13438907]

Dear [Redacted] and FoI Unit colleagues

Sorry to burden you further in relation to this FoI. We have come to the conclusion that these images must be released and are progressing towards replying to this request. I'm running one further email communication through you from The Scottish Salmon Company's legal representative, attached below.

Basically from what I can see this is a repeat of the arguments made by [Redacted] which we have previously agreed can be discounted.

[Redacted] does stipulate that:

the common law duty of confidentiality (referred to in the context of 10(5)(e) above) also places a confidentiality obligation on Marine Scotland. Therefore, although a third party has no right of veto (and this is not suggested by TSSC), neither is Marine Scotland entitled to disclose such information, to do so may be a breach of duty and actionable at law.

But this must be irrelevant given that we don't accept the argument under 10(5)(e) and the exception does not apply. I don't know anything about 'the common law duty of confidentiality' but suspect this is not applicable given the scope and principles of the EIR's and FoI.

Given the comments around 'breach of duty' and 'actionable by law' to me there appears to be a possible threat of legal action should we release information. [Redacted]
Many thanks.

Best regards,
[Redacted]

Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB
Tel: +44 (0)131 244 [Redacted]
S/B: +44 (0)131 244 2500
Mob [Redacted]
Fax: +44 (0)1224 295620
e: neil.purvis@gov.scot
w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted] **On Behalf Of** Freedom of Information
Sent: 11 June 2018 15:17
To: [Redacted]
Cc: [Redacted]; Freedom of Information
Subject: Advice please - photographs of diseased salmon - FoI/18/01141 - follow up

Hi [Redacted]

[Redacted – out of scope]

Having had a chance to review the case, in general, I think that given the case information is publically available, it would be extremely difficult to argue that any exception would apply to the photographs because as far as I understand the case this is the same information presented in a different format, visually in photographs rather than in written text? I appreciate that a visual impact can be more significant but if the raw information is the same in content, we would not be able to argue that release would meet the substantial prejudice required to engage an exception, or that the public interest would favour withholding the information.

[Redacted] - In relation to your specific points below:

- Regulation 10(5)(e) can in general be used to withhold genuinely sensitive information which isn't necessarily confidential under law but where there is a high expectation of privacy covered by the common law of confidentiality and can include information held by regulators. In applying this exception we are required to demonstrate that prejudice would be both likely and significant, explaining the specific impact that would be caused as a direct result of any disclosure. In this case I think it is highly unlikely that this exception would apply, given that the case information has been provided in another format (the first question in considering this exception is 'is the information publically available?'). Should the applicant go on to appeal to the Commissioner, he would expect us to provide evidence to confirm the impact of disclosure. I apologise if I have not picked up on some of the organisations responses, but as far as I can see the prejudice arguments relate to reputational damage? If this is the case we would be expected to explain **why the photographs in particular would directly result in reputational damage** to the level which would substantially prejudice their commercial interests (given the case information is available) and what the commercial implications of that reputational damage would be; would it impact on the perceived quality of their product and therefore make it harder to sell/obtain the best price and to what extent, would it impact on the wider reputation of Scottish farms etc.? This is generally evidence we would expect to obtain from the stakeholders but only where we are considering whether the exception could be applied. We would also need to go on to consider the public interest arguments. In doing so we can only consider the information held and not the misinterpretation or misuse of the information as we would be able to caveat the information when released. I think even if we could demonstrate some level of prejudice, the Commissioner would be unlikely to agree that the

impact as a direct result of release would be sufficiently substantial to uphold an exception under Regulation 10(5)(e).

- Regulation 10(5)(f) – If the inspectors have legal powers to take photographs during inspections as part of gathering all of the relevant information required to perform a statutory function then this exception would not apply. It would also be difficult to argue that the information was 'provided to' the SG voluntarily by the companies if it was obtained as part of the inspection process, specifically to inform the inspection. If we were allowed access to the information on a purely voluntary basis and allowed to take photographs on the understanding that these would remain confidential then we would be able to explore this further, but would have to provide some evidence that this was the case.
- Regulation 10(5)(a) – The argument set out below is similar to the argument which the Commissioner failed to accept in Decision [103/2015](#). As such it would be extremely difficult to argue that release of the photographs would make it more likely that threats would occur or be acted on because of the information disclosed specifically in the pictures. Again this is because the information is already available in a different format and although this may be an emotive topic it is likely that any risk of harm would exist notwithstanding the release of the photographs. It would be very difficult to demonstrate that there is a real risk or likelihood that actual harm which would follow disclosure (**of the specific information under consideration**) at some time in the near (certainly foreseeable) future, and that any additional risk from release on this visual format is not simply remote or hypothetical possibility.

[Redacted]

I hope this is helpful, but happy to chat through this afternoon (for about the next hour) or briefly prior to the tele conference tomorrow.

Kind regards

[Redacted] | Lead Caseworker | Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | 0131
[Redacted].

From: [Redacted] (MARLAB)
Sent: 07 June 2018 11:37
To: Freedom of Information
Cc: [Redacted] (MARLAB)
Subject: RE: Advice please - photographs of diseased salmon - FoI/18/01141 - follow up

Thanks for this [Redacted].

We would agree about the substantial harm to economic interests being unlikely given the publication of the case information. However, I suppose that pictures are different and can have an impact that written documents just don't. However, we've not really had the substantial prejudice argument put to us so have no evidence here of that effect. Can we use 10(5)(e) though if the information in question isn't confidential under law (assuming that there is harm in release)?

Regarding 10(5)(f), we think that inspectors have legal powers to take photographs during inspections, this was looked at during an earlier (much broader) request for photographs. So I don't think that this exception applies.

We have had further correspondence on this request from another affected company – please see attached. This is almost identical to the reply that we've already had, other than the mention of 10(5)(a). Again, I'm not sure that there is evidence of this threat to public safety, but would really welcome your view on this.

[Redacted – out of scope]

Many thanks again,
[Redacted]

From: [Redacted] **On Behalf Of** Freedom of Information
Sent: 04 June 2018 12:11
To: [Redacted] (MARLAB); Freedom of Information
Cc: [Redacted] (MARLAB)
Subject: RE: Advice please - photographs of diseased salmon - FoI/18/01141 - follow up

[Redacted]

We've had a look at the arguments provided in the email you forwarded.

Regarding 10(5)(e), if you don't consider that the inspectors are acting as vets, then I don't think that confidentiality argument stands up. However, having had a look at the Commissioner's guidance on exceptions, there *may* be an argument under 10(5)(e) about the harm to commercial interests. So the question would be whether disclosure of the photos would cause or be likely to cause *substantial harm* to a legitimate economic interest. That sounds unlikely given that the information from case reports is published and would mitigate the argument that the photos could be misinterpreted.

Even if you considered that there would be a substantial harm to a legitimate economic interest, then the public interest test needs to be applied.

Turning to 10(5)(f), I can see why the argument is being made – and it's clear that there is not consent for disclosure. The question is whether the third party was under a legal obligation to allow the inspectors to take the photos. If so, then I don't think the lack of consent comes into play. This exception certainly doesn't cover information that the SG could require the third party to provide under a statutory obligation.

Thanks

[Redacted] | Head of FOI Casework | FOI Unit | Scottish Government

2W St Andrews House | Regent Road | Edinburgh EH1 3DG
Direct Line 0131 244 [Redacted] Mobile [Redacted]
[Redacted]@gov.scot

From: [Redacted] (MARLAB)
Sent: 01 June 2018 14:43
To: Freedom of Information
Cc: [Redacted] (MARLAB)
Subject: RE: Advice please - photographs of diseased salmon - FoI/18/01141 - follow up

Hello

Please see attached email, which is a representation from one of our stakeholders and a company whose photographs have been requested. We expect to receive something similar from two other companies. The remaining companies have so far expressed no real objections to the release of photographs.

Does the attached add anything to our considerations? Regarding 10(5)(e), Fish Health Inspectors are not vets and are not carrying out veterinary work when they visit fish farms. We also publish our case sheets (visit reports), which contain much the same information as will be contained in the photographs, i.e. reports of disease present at the farm being inspected. This is not an argument that we've been presented with in relation to this information.

On 10(5)(f), as I said below, the photographs are taken by SG staff. They're not given to us by a third party, however they are of third party property and are taken on sites belonging to those third parties – does this have impact?

We realise that this is a decision for us to take, but your guidance and advice would be much appreciated.

Thanks again,
[Redacted]

From: [Redacted] (MARLAB)
Sent: 30 May 2018 12:42
To: Freedom of Information
Cc: [Redacted] (MARLAB)
Subject: Advice please - photographs of diseased salmon - FoI/18/01141
Importance: High

Hello

Please can we have some advice on the email below, which relates to FoI/18/01141. The request is for photographs held of 'diseased salmon' in relation to Fish Health Inspectorate inspections from 2017. The deadline is Friday (1 June), but we may miss this now.

Can you advise if there is any way that the information could be withheld please? We have tried to argue in the past that the information is already publicly available because case reports are published, minus photographs. However, advice from you was that if there was information in the photos that wasn't replicated exactly in the published information then we couldn't rely on this.

The photographs were taken by inspectors, they have not been supplied to us by the fish farm operators or employees – we assume that this means that exceptions like 10(5)(f) can't apply because the information has not been given to us by a third party. Is this correct?

[Redacted]

Thanks as ever for any advice.

[Redacted]

- Other Emails:

"With respect to FoI-18-01141 can we please remove 'Marine Harvest sites' from the title," stated an email from the Scottish Government to the Scottish Government (names redacted). "The request covers all fish farm companies back to beg 2017 and specifically Marine harvest back to beg of 2015. So if we just call it Photographs of diseased farmed salmon: EIR release - that would be fine."

Finally, an email dated 27 June 2018 from Marine Scotland Science briefed the salmon farming companies impacted by the photographic disclosure (Marine Harvest, the Scottish Salmon Company, Scottish Sea Farms, Cooke Aquaculture, Grieg Seafood and Loch Duart) and the SSPO on the publication of the photos via [The Ferret](#), [Scottish Salmon Watch](#) and the [Scottish Government](#):

From: [Redacted] (MARLAB)
Sent: 27 June 2018 13:19
To: [Redacted]@scottishsalmon.com); [Redacted]@scottishsalmon.com;
[Redacted]@griegseafood.com; [Redacted]@cookeaqua.com; [Redacted]@marineharvest.com;
[Redacted]@marineharvest.com; [Redacted]@marineharvest.com;
[Redacted]@scottishseafarms.com; [Redacted]@lochduart.com
Cc: [Redacted]@scottishsalmon.co.uk; [Redacted]@gov.scot>; [Redacted]@gov.scot>;
[Redacted]@gov.scot>
Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon

Dear All

Further to this FoI request I can advise that the response has been published on the Scottish Government website <https://beta.gov.scot/publications>

Also, yesterday Scottish Government received some media interest in relation to this FoI and I have been made aware of an article published by The Ferret which can be accessed here <https://theferret.scot/category/environment/>

In addition the Scottish Salmon Watch have published similar on their web site <http://donstaniford.typepad.com/files/pr-exposed---gruesome-photos-of-deformed-diseased-scottish-salmon-27-june-2018.pdf>

There may of course be other media articles on the back of this, but I just wanted to bring this to your attention in case you we unaware of the same.

Regards,
[Redacted]

Other media articles on the back of this included:

[These Recently Released Photos of Farmed Salmon May Scar You Forever](#)
[New photos expose shocking welfare issues on Scottish salmon farms](#)
[PHOTOS: Salmon Seen With Bloody Sores, Sea Lice, and More](#)
[GRAPHIC: More Proof That Fish Are Suffering in the Food Industry \(Photos\)](#)

The photos were also used by OneKind in their report - "[Fish Welfare on Scotland's Salmon Farms](#)" - published in August 2018.





Farmed salmon in poor condition Fish Health Inspector



Salmon in cages. Fish Health Inspector



Salmon with physical damage following exposure to strong currents Fish Health Inspectorate



Salmon with a spinal deformity Fish Health Inspectorate



Background:

On 1 March 2018, the Global Alliance Against Industrial Aquaculture (GAAIA) filed a Freedom of Information (FOI) request asking the Scottish Government to "provide copies of photos of diseased farmed salmon held on file".

The FOI request specified: "Please include photos taken of salmon on farms in Scotland during site visits and Fish Health Inspections. Please include photos taken during post mortems and via laboratory tests and monitoring. For the definition of 'diseased' please include sea lice, infections, infestations, viruses, bacteria and other disease agents."

On 15 March 2018, the Scottish Government refused GAAIA's FOI request arguing that "photographs of diseased farmed salmon are widely available in the public domain."

In April 2018, following a request for a review by GAAIA, the Scottish Government asked that the FOI request be narrowed in scope. GAAIA subsequently narrowed down the scope

of the FOI request to 2017 (all salmon farms) and to salmon farms operated by Marine Harvest since 2015.

On 15 June 2018, the Scottish Government finally disclosed photographs of 30 salmon farm inspections [online via Dropbox](#) which were [published exclusively via The Ferret on 27 June 2018](#).





"The site was inspected following a report from the operator of increased mortality levels at the site due to amoebic gill disease over the previous couple of months. Mortality levels for the site had reached 11.3% for August and 12.9% for September...All of the fish had severe lice damage to their heads"

Fish Farm: Raineach, East Loch Tarbert, Harris

Company: Marine Harvest
 Problems: amoebic gill disease, lice
 Fish health inspection: five fish sampled on 4 October 2016
 Case number: 2016-0449



Fish Farm: Groatay, Sound of Harris

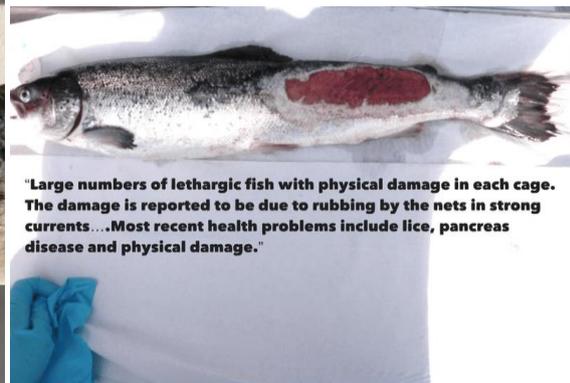
Company: Marine Harvest
 Problems: unknown
 Fish health inspection: unknown (report due July 2018)
 Case number: 2018-0111



"A report was received of increased mortality levels at the site due to amoebic gill disease. Histopathology examination revealed severely compromised gills... An open skin wound in Fish 2 would also impact on osmotic balance and was further compromised by a mixed bacterial infection"

Fish Farm: Scotasay, East Loch Tarbert, Harris

Company: Marine Harvest
 Problems: Amoebic gill disease
 Fish health inspection: Two fish sampled on 4 October 2016
 Case number: 2016-0450



"Large numbers of lethargic fish with physical damage in each cage. The damage is reported to be due to rubbing by the nets in strong currents....Most recent health problems include lice, pancreas disease and physical damage."

Fish Farm: Armady

Company: Marine Harvest
 Problems: pancreas disease, lice, physical damage
 Fish health inspection: five fish sampled on 15 September 2015
 Case number: 2015-0336



Read more via:

[EXPOSED: Gruesome Photos of Deformed & Diseased Scottish Salmon](#)
[Hard Evidence - Photos of Diseased & Deformed Scottish Salmon \(June 2018\)](#)

On 2 August 2018, the Scottish Government disclosed further photos following FOI requests filed by Scottish Salmon Watch on 28 June and 9 July 2018. The photos [disclosed online via Dropbox](#) related to further 14 Fisheries Health Inspection site visits in 2018 and 2016.

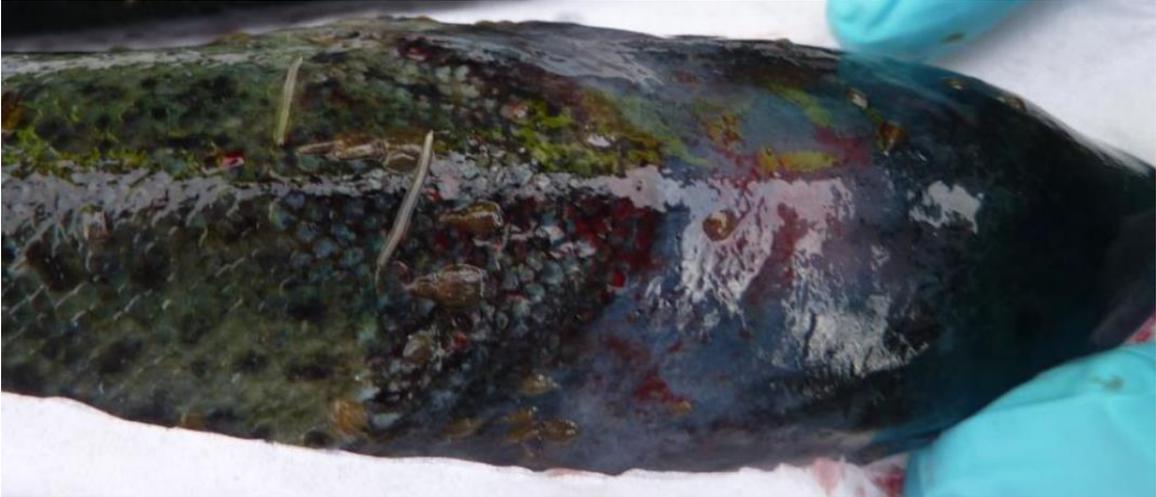
Fol 18 01782

Sorted by name

				
2016-0098-photos-Sgian... bh.pdf	2016-0118-photos- Yett... art.pdf	2016-0170-photos-Marin... Lab.pdf	2016-0263-photos- Kirk... ter.pdf	2016-0322-photos- Djub... ick.pdf
				
2016-0393-photos- East... irth.pdf	2016-0444-photos-Trille... or.pdf	2016-0455-photos- Furn... rry.pdf	2016-0456-photos- Ardg... en.pdf	2016-0460-photos- Glen... Bay.pdf
				
2016-0463-photos- Meil Bay.pdf	2016-0590-photos- Uye... Isle.pdf	2018-0078-photos- Tarb... uth.pdf	2018-0113-photos- Mea... yne.pdf	

The photos included:











Read more via: [Hard Evidence: Photos of Diseased & Deformed Scottish Salmon \(August 2018\)](#)

Appendix - FOI disclosures by the Scottish Government:

From: Neil.Purvis@gov.scot [<mailto:Neil.Purvis@gov.scot>]

Sent: 13 August 2018 20:35

To: salmonfarmingkills@gmail.com

Cc: Helen.McGregor@gov.scot

Subject: Response to FoI/18/01783 - RE: FOI re. photo publication and correspondence with salmon farming companies, RSPCA etc

Dear Don

In relation to your request of 28 June 2018 (FoI/18/01783), please find attached our response.



Annex 2 - MSS
response to comment



Annex 1 - Context to
the photographs



Email attachment -
arguments from SSF



Information to
-supply -redacted.pdf



FoI-18-01783
reply.pdf

Regards,
Neil

Neil Purvis

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

Tel: +44 (0)131 244 3287

S/B: +44 (0)131 244 2500

Mob: +44 (0)777 5818 281

Fax: +44 (0)1224 295620

e: neil.purvis@gov.scot

w: <http://www.scotland.gov.uk/marinescotland>

From: Neil.Purvis@gov.scot [<mailto:Neil.Purvis@gov.scot>]

Sent: 02 August 2018 22:54

To: salmonfarmingkills@gmail.com

Cc: Helen.McGregor@gov.scot

Subject: Replies to FoI requests FoI/18/01782 and FoI/18/01869

Dear Don

In relation to your requests FoI/18/01782 and FoI/18/01869 please find the attached reply.



FoI-18-01782 and
FoI-18-01869 reply.p

Regards,
Neil

Neil Purvis

Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11
9DB

Tel: +44 (0)131 244 3287

S/B: +44 (0)131 244 2500

Mob:+44 (0)777 5818 281

Fax: +44 (0)1224 295620

e: neil.purvis@gov.scot

w: <http://www.scotland.gov.uk/marinescotland>

From: Neil.Purvis@gov.scot [mailto:Neil.Purvis@gov.scot]

Sent: 15 June 2018 16:38

To: salmonfarmingkills@gmail.com

Cc: Helen.McGregor@gov.scot

Subject: RE: FoI/18/01141 - photos of diseased farmed salmon - acknowledgement and clarification

Dear Don

In relation to your request FoI-18-01141 of 14 April please find the attached response.



FoI-18-01141 -
Photographs of disea

Regards,
Neil

Neil Purvis

Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11
9DB

Tel: +44 (0)131 244 3287

S/B: +44 (0)131 244 2500

Mob:+44 (0)777 5818 281

Fax: +44 (0)1224 295620

e: neil.purvis@gov.scot

w: <http://www.scotland.gov.uk/marinescotland>