

Don Staniford
salmonfarmingkills@gmail.com

Our Reference: 202000058422
Your Reference: FOI-19-02663 responded to on 14 February 2020

07 August 2020

Dear Don Staniford,

Thank you for your request (Fol-202000058422) dated 8 July 2020 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You asked for information on imports of ova (salmon eggs) and Infectious Salmon Anaemia (ISA) since 16 December 2019 and further specified:

- Ova import data since the last imports detailed in the information disclosed via FOI-19-02663 (i.e. data since 16 December 2019).
- Information in relation to discussions re. ova imports since 16 December 2019, to include discussions with the Norwegian Government, egg companies, salmon farming companies and other parties. This would also include any emails, letters, Cabinet Briefings, press updates and other information on ova imports in relation to salmon farming. It would also include any correspondence with EFTA/ESA, Mattilsynet (Norwegian Food Safety Authority), European Commission, AquaGen, Benchmark (Stofnfiskur), Landcatch (Hendrix Genetics), Mowi, Scottish Sea Farms and any other parties in relation to ova imports since 16 December 2019.
- Information on any disease risks and biosecurity concerns of ova imports. This would include

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any discussions, emails, letters and other information relating to Infectious Salmon Anaemia (ISA) which would certainly include reference to Norwegian salmon farming.

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.

Response to your request

Please find attached a copy of the information provided. This includes:

- 1) Updated information in relation to Atlantic salmon ova imports into Scotland
- 2) Email discussions relating to imports of ova, updates on the temporary ova suspension, media enquiries relating to imports. These include internal communications within Scottish Government, external communications with Defra and industry stakeholders
- 3) A ministerial update concerning the lifting of the temporary suspension of exports from Norway

You may also find some relevant to your request on the following European Commission website:

https://ec.europa.eu/food/sites/food/files/animals/docs/reg-com_ahw_20200213_follow-up-efta.pdf

In addition, responses to previous FoI requests may contain information relevant to this request. For example, responses to FoI-18-01553 and FoI-18-03773 contain information explaining the regulatory position as well as examples of import notification forms and health certificates associated with imports, detailing biosecurity requirements in relation to this trade. You can find responses to previous request published on the Scottish Government website: <https://www.gov.scot/publications/>

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.

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 exceptions under regulations 11(2) (personal

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information) and 10(4)(e) of the EIRs (internal communications) of the EIRs applies to that information. The reasons why those exceptions apply are detailed below. Further, we have redacted a small amount of information which is to be considered out of scope of this request.

An exception under regulation 11(2) of the EIRs (personal information) applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.

In addition, an exception under regulation 10(4)(e) of the EIRs (internal communications) applies to some of the information requested. This has been applied to internal communications, which have taken part within Scottish Government and Marine Scotland and which relate to the drafting and composing responses to media queries. The final versions of these drafts were issued and have been released as part of this response. This exception is subject to the public interest test. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing a private space within which Ministers and officials can exchange free and frank advice and views. Applying the exception in this case allows officials the private space, to discuss, review and exchange views over the drafting of responses relating to media queries. It is clearly in the public interest to allow this to occur, especially where the information is being provided to you through the final responses which were issued.

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

The Director of Marine Scotland,
Area 1B South, Victoria Quay,
The Shore,
Edinburgh,
EH6 6QQ,

or by emailing Directormarinescotland@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.

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:

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<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.asp>

Neil Purvis

MSS : Aquaculture and Fish Health

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