

Charlotte Wright, Chief Executive
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31st May 2018

Dear Mr, Staniford,

REQUEST FOR REVIEW OF INFORMATION PROVIDED BY HIE

I refer to your email dated 4 May 2018 requesting a review of HIE's decision to withhold certain documents concerning the Integrated Aquaculture Rapid Mortality Recovery System.

In conducting my review, I have considered your original request, HIE's response dated 2 May 2018, the subsequent correspondence and your request for review as noted above.

HIE's Original Decision

As you are aware, following your initial request for information received by HIE on 7 March 2018, HIE provided you with the following: -

- Email from Accelerating Aquaculture Innovation dated 3 August 2017
- Accelerating Aquaculture Innovation Programme – Application for Funding
- Accelerating Aquaculture Innovation Programme – Guidance Notes
- AAI Industry Partner Finance Form
- Grant Undertaking by Ferguson Transport (Spean Bridge) Limited in favour of Highlands and Islands Enterprise
- Press release – Aquaculture supply firms urged to apply to innovation fund

Thereafter, on 3 May 2018, you were provided with responses to media enquiries that had previously been issued by the HIE Media Relations Manager to a senior news reporter at The Herald/Sunday Herald.

Your application for information was considered under the Environmental Information Regulations 2004 (EIR).

A few documents falling within your original request were withheld under regulation 10(4)(e), regulation 10(5)(e) and regulation 11(2) of the EIRs.

Regulation 10(4)(e) allows HIE to withhold any internal communication, subject to applying the public interest test. Most of the correspondence that fell within this exemption was released as the public interest test favoured disclosure, albeit with some information redacted in terms of regulation 11(2) as its disclosure would have contravened one or more data protection principles in schedule 1 of the Data Protection Act 1998.

Regulation 10(5)(e) allows HIE to withhold information which if disclosed would, or would be likely to prejudice substantially the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Once again withholding information is subject to applying the public interest test and some of the information was redacted in terms of regulation 11(2) as its disclosure would have contravened one or more data protection principles in schedule 1 of the Data Protection Act 1998.

Decision

Having carefully considered your request for a review of the withheld information I have determined that it is appropriate to release the following additional documents:

- Email dated 10 July 2017 - FW: AAI- Expression of Interest with Expression of Interest attached
- Letter dated 9 October 2017
- AAI Programme application for funding
- Timing sheet for project
- Ferguson Shipping (Kishorn Port) Limited accounts for year ending 30 April 2015
- Ferguson Shipping (Kishorn Port) Limited accounts for year ending 30 April 2016
- Ferguson Transport (Spean Bridge) Limited accounts for year ending 30 April 2015
- Ferguson Transport (Spean Bridge) Limited accounts for year ending 30 April 2016
- Email dated 9 November 2017 – RE: Fergusons Integrated Aquaculture Mass Mortality Recovery System
- Summary of project and Ferguson market assessment for AAI
- Email dated 20 December 2017 – RE: Ferguson Transport – Mass Mortality Recovery Scheme AIP (A3010052)
- Email dated 20 December 2017 – RE: Integrated Aquaculture Mass Mortality Recovery System – grant approved
- Letter dated 9 January 2018
- Letter dated 5 March 2018
- Letter dated 21 March 2018
- Combined EOI project review form
- Email dated 6 September 2017 – RE: Accelerating Aquaculture Innovation – Invitation to submit full application – Ferguson Transport
- Email dated 8 January 2018 – RE Final Changes to AIP
- Email dated 2 March 2018 – Re Legal Undertaking and Press release of 13 March 2018

A number of these documents have been redacted as the redacted information is likely to prejudice substantially the confidentiality of commercial or industrial information and it is considered that public interest does not favour disclosure. The withheld information relates to confidential financial information about the project and information, which if released, could be used by others to gain an unfair commercial advantage from Ferguson and/or offer better terms to win contracts. Personal data has also been redacted where disclosure would contravene one or more data protection principles in schedule 1 of the Data Protection Act 1998.

We have included the 2015 and 2016 annual accounts for Ferguson Transport (Spean Bridge) Limited and Ferguson Shipping (Kishorn Port) Limited although these are publicly available documents.

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Conclusion

In conclusion, I consider that the documents requested in your review should be released with the redactions noted above.

If you are not content with the outcome of our internal review you have the right to apply directly to the Scottish Information Commissioner for a decision. The time limit for doing this is 6 months.

The Scottish Information Commissioner can be contacted at:

www.itspublicknowledge.info/Appeal

or

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrew
Fife
KY16 9DS.

You also have a subsequent right of appeal to the Court of Session on a point of law.

Yours sincerely



Charlotte Wright
Chief Executive

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