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Don Staniford
Scottish Salmon Watch
salmonfarmingkills@gmail.com

Your ref: 202100259475
Our ref: FOI review request re: 202100259475
2 February 2022

Dear Don Staniford,

Further to my letter of 12 January 2022, I have now completed my review (EIR: 202200271110) of our response to your request under the Environmental Information (Scotland) Regulations 2004 (EIRs) for further information on Infectious Salmon Anaemia in Scottish salmon since 1 January 2013 (EIR: 202100259475).

I have concluded that the original decision should be confirmed, with modifications.

Your request

You referred to your previous request (EIR: 202100259475) which asked for:
"Please provide information including raw test results, emails, letters, photos and any other data on ISA in Scottish salmon since 1 January 2013. Please include any correspondence with the World Organization for Animal Health (OIE), EFTA, DEFRA, salmon farming companies and any other parties in relation to ISA in farmed salmon since 1 January 2013 (above and beyond any information which is contained via <https://www.gov.scot/collections/publication-of-fish-health-inspectorate-information/>)".

You asked further:

"Hence please provide the FULL information requested. The refusal to include the full information is baseless and a clear breach of FOI disclosure rules. Please therefore provide ALL the information requested on 2 December 2021."

Response to your review request

I have met with the original respondent and discussed the original response and your request for a review. I have considered the information available to the original respondent, and asked further for additional correspondence with Defra that was not available at the time of the original response.

My conclusion is that the original response did include all the relevant information that was requested and that Scottish Government holds. In addition, I make the following notes:

1. The original response stated: “For your information, positive results from samples as part of the aquatic animal health surveillance programme within Scotland are reported to Defra for onward reporting to the OiE on a regular basis. Those communications have not been considered as part of this response as they add no additional information to your request relating to Infectious Salmon Anaemia in Scottish salmon since 1 January 2013.” This is not an attempt to hide information: rather, it states that the information given earlier in the response was also sent on to Defra as required. This correspondence with Defra was not included in the original response as it was believed to include the same information, and was not directly relevant to the request.

That correspondence has now been provided to me, and I am satisfied that it relates only to the information already given in the original response, in previous responses, or in the public domain. Specifically, the correspondence pertains mostly to the practicalities of completing the OiE reports.

There is also a summary of the number of samples collected and the measures which are in place with respect to surveillance and control if detected, along with a report of one case of ISA HPR-0 for the period January to June 2021. This information is publicly available through a number of sources, and has already been provided to you under previous requests. It is my view that these emails do not add anything to the information already provided to you. However, these emails are correspondence with Defra, as asked for in your original request. Therefore, I have included copies of these with my response here.

An exception under regulation 11(2) of the EIRs (personal information) applies to a small amount of the information requested because it is personal data (names and contact details) 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.

2. The section entitled “An exception applies” could have led to some confusion. There are two strains of ISA, HPR-0 and HPR-deleted, and only the latter is reportable. The original response on exceptions was meant to cover the HPR-deleted strain, on the basis that there have been no observed cases of the HPR-deleted strain since 1 January 2013 and therefore the Scottish Government has no information to provide. However, the first part of the original response details two cases of the HPR-0 strain and gives full information for those, so the application of the exception may have been confusing, and for this we apologise. To clarify: I believe that full disclosure of information has been provided for ISA HPR-0 cases since 1 January 2013, once the Defra emails are included, and that no disclosure of information about any HPR-deleted strain cases is required because there were none.

Your right to request an appeal of this review

If you are unhappy with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter. Information on how to make an appeal, along with an application form, is available on the Commissioner’s website at:

<https://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

You can also contact the Commissioner:
The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Yours sincerely

Coby Needle
MSS : Fisheries Assessment and Advice

