

Media Backgrounder (7 July 2015):

Sealed Scottish Salmon - Killing Freedom of Information on Lethal Salmon Farms in Scotland

[1] Key Documents:

Read rulings by the Scottish Information Commissioner (SIC) forcing disclosing of seal killing data by the Scottish Government:

26 November 2012: <http://www.itspublicknowledge.info/uploadedFiles/Decision193-2012.pdf>

23 April 2013: <http://robedwards.typepad.com/files/sic-decision-to-enforce.pdf>

Read a "[Press Statement on the enforcement of Decision 193/2012](#)" issued by the SIC in April 2013

Download site specific seal killing data for 2011, 2012 and 2013 published by the Scottish Government - [online here](#)

Read GAAIA's request for a review (21 August 2014) following the Scottish Government's refusal to disclose the names of seal killing salmon farms - [online here](#)

Read a press release (24 August 2014): "[Scottish Salmon's Secret Seal Killers!- FOI refusal prompts call for boycott of farmed salmon](#)"

Read letters to the U.S. Government calling for ban on imports of farmed salmon from seal killing salmon farms - [online here](#)

Read also:

"[D Day for Seal-Killing Salmon Farms](#)" (Green Around the Gills, 7 July 2015)

"[Lethal Scottish Farmed Salmon: Serial Seal Killers Named & Shamed!](#)" (GAAIA, 8 May 2013)

"[Victory for freedom of information: seal killers in Scotland named and shamed by 7 May](#)" (The Killers, 5 May 2013)

"[Scottish Salmon's Seal Killers Named & Shamed!](#)" (GAAIA, 2 December 2012)

Read more via: Don Staniford's blog "[The Killers](#)" and GAAIA's web-pages "[Killing Farms](#)" and "[Killer Panda](#)"

[2] Key news articles:

"[End Secrecy Over Seal Deaths](#)" (The Sunday Times, 24 August 2014)

["Seal campaigners call for salmon farm cull"](#) (The Sunday Times, 12 May 2013)

["Scottish government ordered to name seal-shooting salmon farms"](#) (The Sunday Herald, 28 April 2013)

["U-turn on naming fish farms that shoot seals"](#) (The Sunday Herald, 13 January 2013)

["Government ordered to reveal secret seal shooters"](#) (The Sunday Herald, 2 December 2012)

[3] Media coverage:

["D Day for Seal-Killing Salmon Farms"](#) (Green Around the Gills, 7 July 2015)

["Seal reportedly shot dead and left for tourists to find on north-east beach"](#) (The Press & Journal, 3 July 2015)

["Seal-shooting wars: reports sent to Fiscal"/"Charges looming in impassioned battle to save seals from being shot"](#) (The Sunday Herald/Rob Edwards, 28 June 2015)

["VIDEO: Hunt saboteurs pledge summer watch on Angus salmon firm"](#) (The Courier, 26 June 2015)

["Moment two seals are legally shot near salmon nets off the coast of Scotland turning the water red with blood"](#) (Daily Mail, 23 June 2015)

["WATCH: Shocking moment marksman shoots dead seal in cold blood"](#) (Daily Express, 23 June 2015)

["VIDEO: Animal rights activists release hard-hitting seal shooting footage"](#) (The Press & Journal, 22 June 2015)

["Scottish Seal Shot 2nd June 2015 in Aberdeenshire"](#) (Sea Shepherd UK, 22 June 2015)

["Pictures capture moment seal campaigners confront marksmen perched on north-east clifftop"](#) (The Press & Journal, 17 June 2015)

["Sea Shepherd wildlife campaigners in stand-off with seal gunmen near Banff"](#) (STV News, 17 June 2015)

["Clever seals outsmarting fishermen"](#) (World Fishing & Aquaculture, 9 June 2015)

["Saboteurs halt Angus salmon company's seal cull action"](#) (The Courier, 28 May 2015)

["Seal activists will not back down in guerilla campaign"](#) (The Press & Journal, 27 May 2015)

["RSPCA approves seal cull to protect fish farms"](#) (Fish Update, 13 April 2015)

["Mass seal slaughter as RSPCA opts to protect fish farms"](#) (Daily Telegraph, 13 April 2015)

["1,400 seals killed but sanctuary calls for end to the slaughter"](#) (Press & Journal, 13 April 2015)

["Hundreds Of U.K. Seals Killed Each Year In Secret, Brutal Cull"](#) (The Dodo, 11 April 2015)

["Culling seals"](#) (BBC Radio 2's Jeremy Vine Show, 9 April 2015)

["Controversial seal defence team returns to north-east harbour"](#) (Press & Journal, 8 April 2015)

["Seal conservation group steps up campaign against slaughter"](#) (The Herald, 8 April 2015)

["Fish farmers make peace with seals"](#) (The Times, 8 April 2015)

["Campaign group says Scottish salmon farms culling more seals than allowed"](#) (Undercurrent News, 8 April)

["Controversy continues over seal culling in Scottish salmon sector"](#) (Intrafish, 8 April 2015)

["Wildlife campaigners patrolling harbour in bid to stop seal deaths"](#) (STV News, 7 April 2015)

["Hundreds of seals being LEGALLY shot to protect billion pound Scottish salmon industry"](#) (Daily Express, 7 April 2015)

["Hundreds of seals are secretly being shot along British coasts: Cubs left to starve after mothers are slaughtered to protect farmed fish stocks"](#) (Daily Mail, 7 April)

["Revealed: Scotland's secret seal cull claimed lives of 200 animals last year despite calls to end cruelty"](#) (Daily Record, 6 April 2015)

["Outrage as hundreds of seals secretly slaughtered by Britain's fish farming industry"](#) (The Daily Mirror, 6 April 2015)



["Scottish salmon farmers under scrutiny over seals shooting"](#) (Blue & Green, 27 August 2014)

["Call for data on seal deaths"](#) (The Press & Journal, 25 August 2014)

["Scottish Salmon's Secret Seal Killers!- FOI refusal prompts call for boycott of farmed salmon"](#) (GAAIA, 24 August 2014)

["End Secrecy Over Seal Deaths"](#) (The Sunday Times, 24 August 2014)

["Of Seals and Salmon: Govt Sanctions Wildlife Slaughter"](#) (Aberdeen Voice, 22 August 2014)

["Pledge to block seal cull around Scotland"](#) (The Press & Journal, 7 August 2014)

["In Conversation With USAN's George Pullar"](#) (Aberdeen Voice, 6 August 2014)

["Farmers fear the seal deal"](#) (Fish Farming Xpert, 16 June 2014)

["Gervais calls for seal shooting ban"](#) (17 June 2014)

["Thousands call to save seals"](#) (The Press & Journal, 5 May 2014)

["Ross McCall backs campaign against seal cull"](#) (The Scotsman, 29 April 2014)

["Seal shooting activists dig in for the long haul"](#) (Banffshire Journal, 29 April 2014)

["USAN/Scottish Wild Salmon Company – A Closer Look"](#) (Aberdeen Voice, 29 April 2014)

["Action against seal cull continues"](#) (Hunt Saboteurs Association, April 2014)

["Press report that Seal Cull abandoned due to pressure from Hunt Saboteurs"](#) (Hunt Saboteurs Association, April 2014)

["Gardenstown seal cull abandoned amid protests"](#) (BBC News, 22 April 2014)

["Anti-seal shooting protesters confront salmon fishermen in Gardenstown bay"](#) (Banffshire Journal, 22 April 2014)

["Violent Seal Killers Threaten Sea Shepherd Crew - Caught on Camera"](#) (Sea Shepherd, 21 April 2014)

["Sea Shepherd UK Taking Action to Defend Scottish Seals"](#) (Sea Shepherd, 17 April 2014)

["Ythan Estuary seal cull application withdrawn"](#) (BBC News, 2 April 2014)

["NGO petitions against Scottish seal killing"](#) (Intrafish, 24 March 2014)

["Drive to end seal shooting in Shetland"](#) (Shetland News, 29 January 2014)

["Campaigners Warn Tourists: Scotland Home To Mass Seal Shootings; 'Seal Management In Progress'"](#) (Underwater Times, 13 June 2013)

["Ex-Shetland salmon farm chief fined over seal nets"](#) (The Scotsman, 28 May 2013)

["Salmon farmer convicted over seal risk nets"](#) (BBC News, 28 May 2013)

["Seal campaigners call for salmon farm cull"](#) (The Sunday Times, 12 May 2013)

["Salmon industry linked to more than 300 seal deaths"](#) (Deadline News, 12 May 2013)

["Scotland names top seal-shooting salmon farmers"](#) (Intrafish, 8 May 2013)

["Lethal Scottish Farmed Salmon: Serial Seal Killers Named & Shamed!"](#) (GAAIA, 8 May 2013)

["Victory for freedom of information: seal killers in Scotland named and shamed by 7 May"](#) (The Killers, 5 May 2013)

["Almost 150 seals shot under licence"](#) (Shetland News, 8 May 2013)

["Scottish government ordered to name seal-shooting salmon farms"](#) (The Sunday Herald, 28 April 2013)

["SSPO condemns freedom of information decision on seal killings"](#) (Fish Update, 26 April 2013)

["Campaigners Condemn 900 'Last Resort' Seal Shootings In Scotland"](#) (Underwater Times, 19 March 2013)

["Campaigners urge government to step into action after 884 seals are shot in two years"](#) (Daily Record, 15 March 2013)

["Death threat' leads to backtrack on seal shooting data"](#) (Undercurrent News, 15 January 2013)

["U-turn on naming fish farms that shoot seals"](#) (The Sunday Herald, 13 January 2013)

["Culling seals to protect farmed salmon: what should we be allowed to know?"](#) (UK Human Rights Blog, 8 December 2012)

["Government ordered to reveal secret seal shooters"](#) (The Sunday Herald, 2 December 2012)

["Scottish Salmon's Seal Killers Named & Shamed!"](#) (GAAIA, 2 December 2012)

["Santa's 'My Little Salmon Farmer' Seal Culler Kit!"](#) (Green Around the Gills, 21 November 2012)

["Seal cull kept secret after fears protesters will target marksmen"](#) (The Scotsman, 24 September 2012)

["Location of fish farms that shoot seals kept secret"](#) (The Sunday Herald, 23 September 2012)

["Sites where seals shot kept secret in fear of protest"](#) (Rob Edwards, 23 September 2012)

["Licensed To Kill: Campaigners Condemn Increase In Scottish Seal Killings"](#) (Underwater Times, 18 September 2012)

["Salmon farms killing seals 'unnecessarily'"](#) (The Press & Journal, 18 September 2012)

["Scottish Salmon's Lethal Seal of Disapproval - 87% of farms fails to install predator exclusion nets"](#) (Save Our Seals Fund & GAAIA, 16 September 2012)

["Fish farms in shooting seals row"](#) (The Sunday Times, 16 September 2012)

["RSPCA Freedom Food fish farmers killing seals"](#) (Seal Scotland, 29 July 2012)

["Salmon farm pair face trial on charges of unlawful killing of seals"](#) (Shetland Times, 26 July 2012)

["Killer Panda - WWF Sanctioned Slaughter of Marine Mammals by Salmon Farms"](#) (GAAIA, 9 July 2012)

["Yank our salmon off your shelves: Animal rights campaigners want the US to ban Scottish salmon imports worth more than £200million in a row over seal killings"](#) (The Sun, 8 July 2012)

["Culled.....so shops can get smoked salmon: seals slaughtered because they are eating fish first"](#) (The Sunday People, 8 July 2012)

["Fish ban call over seal culls"](#) (The Sunday Express, 1 July 2012)

Picture: JOHN GILES/PA

Fish ban call over seal culls



TARGETED: More than 300 seals have been killed in Scotland in the course of a year

ANIMAL rights groups have called for a ban on Scottish salmon after new figures revealed that fish farms killed more than 300 seals in just one year.

Campaigners say retailers have "blood on their hands" after the shocking extent of the legal cull was revealed after a Freedom of Information request.

The data, supplied by Marine Scotland, showed hundreds of the mammals were destroyed over the 12 months to April.

And now the activists are compiling a "name and shame" list of the firms, which "murder" seals "wholly unnecessarily".

The Global Alliance Against Industrial Aquaculture (GAAIA) and the Save Our

By **Paula Murray**

Seals Fund (SOSF) repeated the plea to ban salmon imports while asking supermarkets to stop sourcing "seal-unfriendly" fish.

Don Staniford, of the GAAIA, said: "Scotland's seal killers should hang their heads in shame and hang up their guns."

"Supermarkets such as Sainsbury's and Tesco, which condone the killing of seals by selling seal-unfriendly farmed salmon have blood on their hands."

The SOSF Scotland has approached the US Department of Commerce to use existing legislation to ban the import of

Scottish farmed salmon until they install seal exclusion nets.

According to the groups, only a fifth of the country's fish farms use the predator nets, yet the law says the animals cannot be shot without a licence – and even then, destruction must be as a "last resort".

But the Scottish Government insisted strict licensing means seals are given an "unprecedented level of protection".

A spokeswoman said "few" animals target fish entering fisheries and nets, or attack farms, and added: "Licensing is necessary to control the removal of these seals, as a last-resort measure after any non-lethal alternatives have failed."

["Pregnant seals shot to protect salmon farms"](#) (The Sunday Times, 1 July 2012)

["Fish exports targeted over seal culling"](#) (The Sunday Times, 1 July 2012)

["Scottish industry hits back at call for ban on Scottish 'seal unfriendly' salmon"](#) (Fish Farming Xpert, 29 June 2012)

["Eco-activists try to encourage farmed Scottish salmon boycott"](#) (Fish Update, 29 June 2012)

["Loch Duart defend fish cull"](#) (Northern Times, 29 June 2012)

["Scottish salmon farmers: we have a right to protect our fish from seals"](#) (Intrafish, 29 June 2012)

["Eco-group calls for ban on 'seal unfriendly' Scottish salmon"](#) (Intrafish, 28 June 2012)

["Scotland's Seal Killers Named & Shamed! - Ban on 'Seal Unfriendly' Farmed Salmon?"](#) (GAAIA & Save Our Seals Fund, 28 June 2012)

["Scottish salmon farmers urged to follow lead of their Canadian counterparts"](#) (Fish News EU, 20 October 2011)

["Stores will not blacklist salmon firms that kill seals"](#) (The Herald, 3 May 2011)

["Government licences shooting of pregnant seals in breeding season"](#) (For Argyll, 14 March 2011)

["Scotland sanctions cull of 1,000 seals a year"](#) (Wildlife Extra, March 2011)

["Licence to Kill - Salmon Farmers in Firing Line During 2011 Scottish Slaughter of Seals"](#) (GAAIA, 3 January 2011)

["Headless seals may have been shot"](#) (BBC News, 20 May 2008)

["Marine Harvest slaughter Scotland's seals: an eye-witness account"](#) (Salmon Farm Monitor, December 2005)

["US to block seal cull farmed salmon"](#) (The Sunday Express, December 2005)

["Scottish Fish Farmers Slaughter Seals"](#) (Sunday Express, 29 November 2005)

["Seal concern at salmon farm"](#) (BBC News, 21 November 2005)

[4] Video reports:

["Salmon Farming Kills Seals!"](#)

["Marine Harvest's Slaughter of Seals in Loch Alsh, Scotland"](#)

["Santa's Message to the Scottish Government: Stop Shooting Seals!"](#)

["Unnecessary Seal Deaths: Mark Carter explains Why"](#)

[5] Chronology:

April 2012 - GAAIA files the following FOI request with the Scottish Government:

"Please provide information on seal killings and seal killing licences in Scotland by salmon farmers during 2011 and 2012 – including details of the company and site."

May 2012 - The Scottish Government refuses to disclose specific sites killing seals.

June 2012 - Following a request to the Scottish Government for a formal review by GAAIA the Scottish Government upheld their non-disclosure decision - explaining:

"We do endeavour to provide information whenever possible. However, in this instance an exception under regulation 10(5)(a) and 10(5)(g) of the EIRs applies to some of the information requested. These Regulations provide for refusing a request to make environmental information available to the extent that its disclosure would, or would be likely to, prejudice substantially public safety or prejudice substantially the protection of the environment to which the information relates. By releasing details of the sites of seal shootings those sites may become targets for action. This could possibly lead to criminal damage and endanger the safety of individuals employed on those sites and/or result in environmental contamination caused by the release of farmed fish into the wider environment. We therefore will not be releasing information which would identify the specific sites at which seals have been killed."

June 2012 - GAAIA files an appeal with the Scottish Information Commissioner - including:

"Marine Scotland's reasons for non-disclosure are nebulous and spurious. The claim that the release of the names of sites where salmon farms shoot seals would prompt "criminal damage" and "endanger the safety of individuals employed on those sites" is complete codswallop.

Surely the firing of bullets by marksmen killing dozens of seals across salmon farms in Scotland is more of public safety concern? If Marine Scotland were seriously interested in public safety, shouldn't the public – including tourist operators, ramblers, bird-watchers, fishermen and fish farmers - be informed of the locations at which seals will be shot and a safety cordon be placed around the seal-killing area and farmers forced to wear-bullet proof jackets in case they are caught in the cross-fire?

The Scotsman [reported](#) (7 March), for example, on the dangers of killing seals quoting from a marksman called 'Dave' (not his real name): "On some sites you shoot from the cages, or on a boat – you do it from the best place possible. As a rule you try to get high, and no more than 120 metres away."

There is simply no evidence to back up Marine Scotland's bizarre claim that disclosure will endanger the safety of salmon farm workers – the implication presumably being that animal rights activists would target particular sites. I can certainly testify that any actions taken by NGOs have been targeted against the companies in general via legitimate and peaceful forms of protest safely away from the farms in boardrooms and public meetings.

For example, Marine Harvest has been named and shamed in relation to the killing of seals in Loch Alsh and has received considerable media coverage on the issue including on BBC News since 2005:

http://news.bbc.co.uk/2/hi/uk_news/scotland/4458414.stm

<http://www.pressandjournal.co.uk/Article.aspx/646484?UserKey=0>

http://www.redorbit.com/news/science/1396530/decapitated_seals_find_prompts_ban_call/

http://english.ohmynews.com/articleview/article_view.asp?menu=c10400&no=261068&rel_no=1

<http://www.salmonfarmmonitor.org/guestdecember2005.shtml>

Yet all this time there has never been "criminal damage" nor have specific sites "become targets for action". Indeed, seal killing marksmen have been lauded not lambasted in the Scottish press as "[a vital part of preserving Scottish salmon](#)".

September 2012 - The Scottish Information Commissioner releases to GAAIA a redacted letter from the Scottish Government (dated 15 August 2012) outlining the case for non-disclosure - including:

"The harm that would be likely to be caused to public safety by the disclosure of this information relates to the strong likelihood of direct action being taken by some NGOs against specific sites and against individuals employed at sites where seals have been shot. Seal management, which involves lethal measures, is a highly sensitive issue which arouses extremely strong emotions amongst many people.

While we are not suggesting that Mr Staniford or the Alliance will themselves initiate any direct action, we have information suggesting that others are likely to do so. On 7 September 2011 the Cabinet Secretary met with XXXX [*information redacted under regulation 11(2) of*

the EIRs], Volunteer Coordinator in Scotland for Sea Shepherd Conservation Society. In this meeting, XXXX [information redacted under regulation 11(2) of the EIRs] issued a scarcely veiled threat that his organisation would be prepared to take direct action to prevent seal shooting under the seal licensing system in Scotland. Sea Shepherd have a track record of taking such direct action – viz. press coverage of a recent case in Costa Rica see link: <http://www.bbc.co.uk/news/world-europe-18996972>. XXXX [information redacted under regulation 11(2) of the EIRs] provided no specific details of what kind of action he had in mind, possibly for tactical reasons.

In the early 1980s, however, when actual culling of seals to control their populations was still permitted in Scotland, environmental and animal welfare activists stationed themselves between the marksmen undertaking the seal cull and their targets. In this fashion, they were able to force the cancellation of an Orkney seal cull because of the risks to public safety resulting from their actions. In other instances, in the past fringe animal rights groups have targeted individuals implicated, either directly or indirectly in shooting seals with verbal abuse, hate mail, unpleasant and noxious parcels, physical intimidation and even assault and have also caused property damage. More recent cases of direct action in response to the Canadian seal cull and Japanese whaling activity demonstrate that the risk of direct action is still very much present. In Scotland, there is no longer any culling to control seal populations and the above information is only provided as an example of the type of direct action that might occur.

In the absence of information about which individual fish farm sites are actually undertaking seal shooting, it is extremely difficult for Sea Shepherd or similar groups to take direct action but if such information was released it is very likely that such direct action would follow at selected sites."

In response, Sea Shepherd UK replied to GAAIA (via an email dated 17 September 2012 from David Scott, Trustee/Director of Sea Shepherd UK):

"There was nothing veiled about it at all. I was very clear with the Cabinet Secretary that if I had advance warning of a marksman's, or marksmen's, intention to harm seals then I would ensure that we did everything possible within the law to prevent him or them from doing so. I also told him that we would expose this action to a wider public if the Cabinet Secretary continued to ignore laws which he himself was responsible for implementing. We have now done so and it cannot have escaped their attention that Save Scotland's Seals now has a highly active fan base in excess of 16,000 individuals who are as angry as we are at the Scottish Government's pandering to vested interests by continuing to issue licences to kill.....I am disgusted that an official representing the Government of Scotland should be resorting to smear and allegation to blacken the name of Sea Shepherd as my organisation has always acted within the law and will always do so. It is the Scottish Government who are breaking the law in permitting this senseless murder of Scotland's Seals for the financial gain of salmon farms and so-called sporting estates."

November 2012 - The Scottish Information Commissioner issues a ruling (Decision 193/2012) forcing disclosure by the Scottish Government of the information requested by GAAIA in April 2012. A covering letter from the Scottish Information Commissioner includes:

" I have investigated your application and have decided that the Ministers failed to comply with the Environmental Information (Scotland) Regulations 2004 (the EIRs) in dealing with your request. A copy of my Decision Notice is enclosed, but in summary I have found that neither of the exceptions applied by the Ministers (regulations 10(5)(a) and (g) of the EIRs) apply to the information covered by the request.

I require the Ministers to disclose the information held in relation to part b. of GAAIA's request by **Monday 10 January 2013**. If the Ministers fail to comply with my decision I have the right to certify to the Court of Session that Scottish Government has failed to comply. The Court of Session can treat this failure as a contempt of court."

The ruling (Decision 193/2012) included this summary:

Decision 193/2012
Global Alliance Against Industrial Aquaculture
and the Scottish Ministers



Summary

Global Alliance Against Industrial Aquaculture (GAAIA) asked the Scottish Ministers (the Ministers) for information about seals killed under seal killing licences issued by the Ministers, including to which companies had licences been issued and how many seals were actually killed. The Ministers disclosed some information about the killings, but withheld other information.

Following an investigation, the Commissioner found that the Ministers had wrongly withheld information on seal killings and required it to be disclosed.

22. The Ministers made it clear they did not wish to suggest that GAAIA would initiate any direct action, but advised the Commissioner they had information indicating that other organisations were likely to do so. The Ministers provided an example of protestors who had confronted a Costa Rican ship in Guatemalan waters which they alleged was engaged in illegal shark-finning¹. The Ministers also advised that in the early 1980s, when actual culling of seals to control their populations was still permitted in Scotland, environmental and animal welfare activists had stationed themselves between the marksmen undertaking the seal cull and their targets. This action had forced the cancellation of an Orkney seal cull because of the risks to public safety. (This example is understood to refer to the aborted Orkney seal cull of 1978.)
23. The Ministers provided other examples of direct action by unnamed animal rights groups, including the targeting of individuals implicated (either directly or indirectly) in shooting seals through verbal abuse, hate mail, unpleasant and noxious parcels, physical intimidation and even assault or property damage. They considered that more recent cases of direct action in response to a Canadian seal cull and Japanese whaling activity demonstrate that the risk of direct action is still very much present. However, the Ministers acknowledged that there is no longer any culling in Scotland to control seal populations, and the incidents described above were provided only as an example of the type of direct action that might occur.

The SIC decision outlined the Commissioner's view which described the Scottish Government's argument and evidence as "tenuous":

32. Having considered the Ministers' submissions, the Commissioner accepts that the killing of seals is an emotive subject, and one which could conceivably lead to direct action by protestors. However, in relation to a potential threat to public safety, the Ministers have not provided any specific examples or evidence which would support their view that public safety would, or would be likely to be, threatened, if information about killings carried out under licence is made known. The examples provided by the Ministers, described above, are tenuous and bear little relation to the issues or situations under consideration. The Ministers have made reference to a protest over the Canadian seal cull (a general cull to reduce seal numbers) and a protest over Japanese whaling, but these do not relate directly to the shooting of individual seals to reduce the damage to salmon farm stock.

The SIC decision concluded that the Scottish Government "failed to demonstrate a real risk":

34. The Commissioner asked the Ministers to provide evidence that disclosure would, or would be likely to, create a genuine and realistic threat to public safety, and expected to receive examples from similar situations, from other countries if none was available from the UK. However, the Ministers did not provide any such example-based evidence.
35. The Ministers referred to threats made by protestors, but did not provide either specific proof of these threats occurring in situations similar to the licensed shooting of seals at salmon farms or evidence of behaviour or activity from which threats could be implied. The Commissioner would also have been pleased to consider evidence from (for example) police reports or press articles, but again no such examples were provided to support the assertions made by the Ministers.
36. The Commissioner notes that details of the companies that have licences and have shot seals was disclosed in May 2012 in response to GAAIA's initial request. The Ministers have not provided any evidence that these companies have been targeted by activists since the information was disclosed in May 2012. The Commissioner is aware of various campaigns to raise the standard of how animals are farmed, but the Ministers have not provided any evidence to demonstrate that direct action of the type feared in this situation has resulted from such campaigns.
37. The Commissioner has concluded that the Ministers have failed to demonstrate a real risk or likelihood that the harm they anticipated was likely to occur at some time in the near (certainly foreseeable) future. She is disappointed that the Ministers continue to rely on general arguments to explain why they considered the information to be exempt under regulation 10(5)(a), without providing evidence to support their conclusions in the specific circumstances of this case.

Moreover, the SIC was "disappointed" in the Scottish Government's lack of evidence:

46. However, the Ministers have not provided any evidence to support their view that disclosure of the information would, or would be likely to, prejudice substantially the protection of the environment to which it relates. The Commissioner is not aware of any direct action being taken against the companies which are known to have previously shot seals to protect fish stocks.
47. The Ministers' comment that companies could withdraw from the controlled and monitored seal licensing system is noted. Again, the Ministers did not provide any evidence to support this assertion.
48. As discussed in detail above, the Commissioner is disappointed that the Ministers did not comply with the request for submissions and evidence that would demonstrate a real risk or likelihood that disclosure of the information would cause harm at some time in the near (certainly foreseeable) future, but instead continue to rely on general arguments or assertions to justify the decision to withhold information under regulation 10(5)(g).

The SIC's final decision was outlined via:

Decision 193/2012
Global Alliance Against Industrial Aquaculture
and the Scottish Ministers



DECISION

The Commissioner finds that the Scottish Ministers failed to comply with the Environmental Information (Scotland) Regulations 2004 (the EIRs) in responding to the information request made by the Global Alliance Against Industrial Aquaculture (GAAIA). The Commissioner finds that the exceptions in regulations 10(5)(a) and (g) of the EIRs do not apply to the information covered by the request.

The Commissioner therefore requires the Ministers to disclose the information held in relation to part b. of GAAIA's request of 3 April 2012 as at the date of receipt of the request by 10 January 2013.

Read the SIC's decision (26 November 2012) in full [online here](#)

January 2013 - The day before the Scottish Government were ordered to disclose the information demanded by the SIC's decision in November 2012, the Scottish Information Commissioner delayed disclosure. An email to GAAIA included:

"Over the past week or so, the Commissioner has received a number of emails from people involved in the salmon fishing industry (most notably the Salmon Net Fishing Association of Scotland) who have expressed serious concerns in relation to [Decision 193/2012](#). The emails have talked about threats, including a death threat, which have already been made against individuals. This is not evidence which was included in the Ministers' submissions to the Commissioner.

Given the seriousness of the concerns raised, the Commissioner has taken the unusual step of giving the people who contacted her the opportunity to provide more detail about their concerns, via the Ministers, by 31 January 2013. The Commissioner has asked me to advise you that no steps will be taken to enforce the decision before then, effectively extending the period the Ministers have to comply with the decision. If, by the end of January, no additional submissions are received (and no appeal has been lodged by the Ministers against the decision, or the information has not been disclosed to GAAIA), the Commissioner will take steps to enforce the decision. If additional submissions are received, the Commissioner will consider them in order to determine whether to enforce the decision.

The Commissioner is, of course, aware that if she decides not to enforce the decision, the decision not to enforce may be open to judicial review by GAAIA."

The Sunday Herald [reported](#) (13 January 2013):



Documents released to GAAIA by the Scottish Information Commissioner in August 2013 reveal that the Office of the First Minister of Scotland lobbied on behalf of the Salmon Net Fishing Association of Scotland to prevent disclosure. Here's the intervention from Michael Birrell in the Office of the First Minister following a request to the First Minister by Keith Allan of the Salmon Net Fishing Association of Scotland:

From: Michael.Birrell@scotland.gsi.gov.uk [mailto:Michael.Birrell@scotland.gsi.gov.uk] **On Behalf Of** FirstMinister@scotland.gsi.gov.uk
Sent: 04 January 2013 14:13
To: CabinetSecretaryforRuralAffairsandtheEnvironment@scotland.gsi.gov.uk
Cc: Diana.Davies@scotland.gsi.gov.uk; Lynsey.MacDonald@scotland.gsi.gov.uk; Elaine.Campbell2@scotland.gsi.gov.uk; FirstMinister@scotland.gsi.gov.uk; Mary.McAllan@scotland.gsi.gov.uk
Subject: FW: DISCLOSURE OF INFORMATION ABOUT LOCATION & NUMBERS OF SEALS SHOT IN 2011 & 2012
Importance: High

John,

As discussed, grateful if you can ensure that this is taken forward appropriately.

Kindest regards,

Michael

Michael Birrell
Information and Office Manager
Office of the First Minister
0131 244 5213
First Minister's preferences can be found at:

<http://intranet/InExec/AboutUs/Ministers/MinisterialPrivateOffices/OfficeOfTheFM>

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: Keith Allan [mailto:Keith.Allan@raeburns.co.uk]
Sent: 04 January 2013 14:01
To: First Minister
Subject: DISCLOSURE OF INFORMATION ABOUT LOCATION & NUMBERS OF SEALS SHOT IN 2011 & 2012
Importance: High

Dear First Minister,

I am attaching a copy of a letter which I have today emailed on behalf of our Association to the Scottish Information Commissioner and we would be most grateful if you can assist us in any way in having the most alarming Decision to disclose information on numbers and locations of seals shot reversed as a matter of urgency.

Thanks and best wishes for 2013.

Yours sincerely,

Keith Allan
Secretary & Treasurer
The Salmon Net Fishing Association of Scotland

April 2013 - The Scottish Information Commissioner enforced Decision 193/2012 and ordered the Scottish Government to publish the specific names of salmon farms killing seals by 7 May 2013. The ruling included:

Enforcement of Decision 193/2012



www.itspublicknowledge.info

The Scottish Information Commissioner's reasons for enforcing Decision 193/2012 Global Alliance Against Industrial Aquaculture and the Scottish Ministers, despite objections from the Salmon Net Fishing Association of Scotland

Conclusions

19. The Commissioner has considered carefully the arguments put forward by the Scottish Ministers that Decision 193/2012 should not be enforced. On balance, her conclusion is that the supporting arguments about public safety, even in addition to the arguments she originally considered in relation to disclosure, do not demonstrate that disclosure of the information would, or would be likely to, prejudice substantially public safety (regulation 10(5)(a) of the EIRs). She has therefore concluded that the decision should be enforced.
20. This conclusion was not reached lightly. The Commissioner recognises there is a risk but the evidence does not provide a compelling argument that the threats are any more likely to occur or be acted upon because of the information being disclosed. Those that made them are aware of the details of shooting of seals and by whom. There is already considerable information in the public domain about the shooting seals and who holds licences.



Retrospective information is unlikely provide sufficient detail for threats to be the result of targeted action. Withholding it will not stop events such as have already been reported.

21. Therefore the Commissioner has decided that the decision will be enforced and orders the Scottish Ministers to disclose the requested information to GAAIA by **Tuesday 7 May 2013**.

A handwritten signature in black ink that reads "Rosemary Agnew".

Rosemary Agnew
Scottish Information Commissioner
23 April 2013

Download the SIC's decision as a PDF [online here](#)

June 2013 - GAAIA files a FOI request with the Scottish Government - including:

"Further to my FOI request of 3 April 2012 (re-enclosed below), please provide information on seal killings and seal killing licences in Scotland by salmon farms since April 2012 – including details of the company and the name of the specific site.

Please name the site, the company and name the number of seals (please give species) killed.

Please also include any letters, emails, other correspondence and other lobbying since 3 April 2012 from salmon farming companies, the SSPO, supermarkets, MPs lobbying on behalf of the industry or other parties lobbying for non-disclosure of information.

For example, the following letter from the SSPO would be included:



Willie Cowan
Marine Scotland
Scottish Government
Victoria Quay 1-B
Edinburgh EH6 6QQ

December 6th 2012

Dear Willie

Information Commissioner Decision 193/2012

Following the recent decision by the Information Commissioner to permit the disclosure of locations where seals have been shot at salmon farms, I have been asked to write to you on behalf of SSPO members.

Our membership is extremely dismayed by this decision and believes it will have a direct impact on the safety of their employees and on the market success of their products. Don Staniford stated in this week's media that "the consumer now has the opportunity to boycott salmon from the named farms".

Bearing this additional information in mind, SSPO member companies would expect the Scottish Government automatically to appeal this decision.

Could you please confirm that this is your intention?

Yours sincerely,

A handwritten signature in black ink, appearing to read "Scott Landsburgh". The signature is fluid and cursive, with a large initial "S" and a prominent flourish at the end.

SCOTT LANDSBURGH
Chief Executive

August 2013 - Following a FOI request from GAAIA, the Scottish Commissioner discloses various submissions and emails from groups arguing against disclosure of seal killing salmon farms and fisheries - including the following claim that disclosure would result in "bloodshed, death, arson":

From: [REDACTED]
Sent: 03 January 2013 21:50
To: enquiries@itspublicknowledge.info
Cc: McKenzie M (Margaret) (MARLAB); Wright M (Manson); keith.allan@raeburns.co.uk; racee.committee@scottish.parliament.uk; rob.gibson.msp@scottish.parliament.uk; george@usansalmon.com; david@usansalmon.com
Subject: DECISION 193/2012 GLOBAL ALLIANCE AGAINST INDUSTRIAL AQUACULTURE

MS Rosemary Agnew
Scottish Information Commissioner

Dear Madam

Firstly I am Chairman of the Salmon net Fishing Association of Scotland and [REDACTED]

This decision to make a very delicate and controversial subject open to the public in my view is asking for major trouble to erupt between Salmon Fisheries along with the Aquaculture industry, open to being targeted by the animal rights people, thus leading to possible Bloodshed, Death, Arson, Boats and Equipment all being put at risk.

My crew and family along with all our Association members and families are very concerned about the decision made.

Please give this potential time bomb Urgent consideration before the information is published on the 10th of January, please at least let all the groups meet and try to come to a sensible agreement.

The time scale of this publication seems quick being that most of the time to respond was nearly all holiday

It should be remembered that the decision makers for this could potentially have blood on their hand or be liable for criminal damage to property or equipment.

Finally if freedom of information is so vital that it causes trouble, possibly a way forward is to have seal licencing scrapped and revert to the netsmens defence then no one has to provide data to the public.

Please consider the contents of this e-mail, and please let me have your comments.

James Mackay

www.scottishsalmonassoc.net

April 2014 - GAAIA files the following FOI request (FOI/14/01233) with the Scottish Government:

"Could you please provide a list of salmon farms (please name the site, data, company, species of seal and number of seals killed) killing seals during 2014?"

An initial reply (25 April) from the Scottish Government includes:

"The Scottish Government does not hold that information at present. The Marine (Scotland) Act 2010 requires this data to be provided on a quarterly basis only. The first quarter does not end until the end of April 2014 and the data submitted requires to be checked before it is published on the web-site. The information for the first quarter of 2014 will therefore be posted on the web-site in late May 2014 and at quarterly intervals thereafter."

July 2014 - GAAIA repeats the FOI request (FOI/14/01233) from April 2014; namely:

"Could you please provide a list of salmon farms (please name the site, data, company, species of seal and number of seals killed) killing seals during 2014?"

August 2014 - The Scottish Government refuses GAAIA's FOI request - including:

"While our aim is to provide information whenever possible, in this instance, we are unable to provide the information you have requested about individual salmon farms where seals were shot under licence during 2014 and for copies of the licence returns for 2014 because an

exception under regulation 10(5)(a) (public safety) of the EIRs applies to that information. This exception applies because disclosure would be likely to substantially prejudice public safety by leading to harassment and threats to company staff and their families. There is also a significant risk of accidental injury to campaigners if they seek to get between licenced seal shooters and seals. We have reached this conclusion because of recent evidence about harassment, intimidation and threats made to company staff and their family members by specific campaigners and evidence that licence information previously released has been used to identify licensees and locations engaged in shooting seals and to target them.

This exception is subject to the public interest test. Therefore taking account of all the circumstances of this case, we have considered whether or not the public interest in disclosing this information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise there is some public interest in information about the numbers of seals shot under licence around Scotland and this is largely met by the already published information at regional level. However, there is a vital public interest in avoiding risks to the safety of members of the public, company staff or their families or members of protest groups.

With regard to our proactive publication of information about licences and numbers of seals killed at the level of licensee and individual fish farm, we have reviewed this in light of further evidence provided to us about subsequent threats and harassment, as described above, and decided to cease proactively publishing this information from now on."

August 2014 - GAAIA formally requests a review with the Scottish Government of the Scottish Government's FOI refusal - including:

"The reasoning for this review request is simple: the decision to refuse disclosure runs counter to previous rulings by the Scottish Information Commissioner....The [SIC's ruling in November 2012](#) included:

31. However, the Commissioner is not satisfied that the Ministers have demonstrated that disclosure of the information would, or would be likely to, prejudice substantially public safety. During the investigation, the Ministers were asked to detail the harm that would (or would be likely to) be caused to public safety by disclosure of the information. The Ministers were advised that, for this to be accepted by the Commissioner, they should demonstrate that there is a real risk or likelihood that actual harm will occur at some time in the near (certainly foreseeable) future, not simply that the harm is a remote or hypothetical possibility.
37. The Commissioner has concluded that the Ministers have failed to demonstrate a real risk or likelihood that the harm they anticipated was likely to occur at some time in the near (certainly foreseeable) future. She is disappointed that the Ministers continue to rely on general arguments to explain why they considered the information to be exempt under regulation 10(5)(a), without providing evidence to support their conclusions in the specific circumstances of this case.

The SIC stated in a [press statement in April 2013](#):

Having considered those submissions, the Commissioner has decided she will enforce [Decision 193/2012](#). She wrote to all parties on 23 April to inform them of this. The Commissioner recognises and appreciates the serious nature of the concerns raised. Although some evidence of risk has been supplied, she does not consider that it provides a sufficiently compelling argument that any threats would be more likely to occur or be acted on as a result of disclosure of the location of where seals have been shot. She therefore requires that the relevant information must be released. The Commissioner also wishes to remind Scottish public authorities that she expects them to consult with appropriate third-parties during her investigations, to avoid similar situations in the future.

The Commissioner requires the Government disclose the requested information by Tuesday 7 May 2013.

The [SIC's ruling on 23 April 2013](#) concluded:

Conclusions

19. The Commissioner has considered carefully the arguments put forward by the Scottish Ministers that Decision 193/2012 should not be enforced. On balance, her conclusion is that the supporting arguments about public safety, even in addition to the arguments she originally considered in relation to disclosure, do not demonstrate that disclosure of the information would, or would be likely to, prejudice substantially public safety (regulation 10(5)(a) of the EIRs). She has therefore concluded that the decision should be enforced.
20. This conclusion was not reached lightly. The Commissioner recognises there is a risk but the evidence does not provide a compelling argument that the threats are any more likely to occur or be acted upon because of the information being disclosed. Those that made them are aware of the details of shooting of seals and by whom. There is already considerable information in the public domain about the shooting seals and who holds licences.

Retrospective information is unlikely provide sufficient detail for threats to be the result of targeted action. Withholding it will not stop events such as have already been reported.
21. Therefore the Commissioner has decided that the decision will be enforced and orders the Scottish Ministers to disclose the requested information to GAAIA by **Tuesday 7 May 2013**.

Read the SIC's rulings in full via:

26 November 2012: <http://www.itspublicknowledge.info/uploadedFiles/Decision193-2012.pdf>

23 April 2013: <http://www.itspublicknowledge.info/home/News/20130425.aspx> and <http://robedwards.typepad.com/files/sic-decision-to-enforce.pdf>

Read news via:

GAAIA: "[Lethal Scottish Farmed Salmon: Serial Seal Killers Named & Shamed!](#)" (8 May 2013)

The Sunday Herald: "[Scottish government ordered to name seal-shooting salmon farms](#)" (28 April 2013)

The Sunday Herald: "[U-turn on naming fish farms that shoot seals](#)" (13 January 2013)

The Sunday Herald: "[Government ordered to reveal secret seal shooters](#)" (2 December 2012)

GAAIA: "[Scottish Salmon's Seal Killers Named & Shamed!](#)" (December 2012)

Since the SIC's rulings in 2012 and 2013, what evidence does the Scottish Government have that the situation has changed markedly?"

September 2014 - The Scottish Government's review upholds the Scottish Government's refusal in August 2014 to disclose the data on seal-killing salmon farms - including:

"Following my review of the information held on recent evidence relating to harassment, intimidation and threats made to company staff and their family members by specific campaigners, I am satisfied that new evidence received since the Commissioner's decisions does change the situation."

September 2014 - GAAIA formally files an appeal with the Scottish Information Commissioner (SIC 201402308). GAAIA's appeal includes:

" This FOI request for data on seal killings by salmon farms has essentially already been dealt with by the Scottish Information Commissioner via a previous FOI appeal (193/2012) and previous rulings in [26 November 2012](#) and [23 April 2013](#) and [press statement in April 2013](#).

The [SIC's ruling in November 2012](#) included:

31. However, the Commissioner is not satisfied that the Ministers have demonstrated that disclosure of the information would, or would be likely to, prejudice public safety. During the investigation, the Ministers were asked to detail the harm that (or is likely to) be caused to public safety by disclosure of the information. They advised that, for this to be accepted by the Commissioner, they should demonstrate that there is a real risk or likelihood that actual harm will occur at some time in the (or foreseeable) future, not simply that the harm is a remote or hypothetical possibility.
37. The Commissioner has concluded that the Ministers have failed to demonstrate that there is a real risk or likelihood that the harm they anticipated was likely to occur at some time in the (or foreseeable) future. She is disappointed that the Ministers continue to put forward arguments to explain why they considered the information to be exempt under section 10(5)(a), without providing evidence to support their conclusions in the context of this case.

The SIC stated in a [press statement in April 2013](#):

Having considered those submissions, the Commissioner has decided she will enforce [Decision 193/2012](#). She wrote to the parties on 23 April to inform them of this. The Commissioner recognises and appreciates the serious nature of the concerns raised. Although some evidence of risk has been supplied, she does not consider that it provides a sufficiently compelling argument that any threats would be more likely to occur or be acted on as a result of disclosure of the location of where seals have been shot. She therefore requires that the relevant information must be released. The Commissioner also wishes to remind Scottish public authorities that she expects them to consult with appropriate third-parties during her investigation to avoid similar situations in the future.

The Commissioner requires the Government disclose the requested information by Tuesday 7 May 2013.

The [SIC's ruling on 23 April 2013](#) concluded:

Conclusions

19. The Commissioner has considered carefully the arguments put forward by the Scottish Ministers that Decision 193/2012 should not be enforced. On balance, however, she concludes that the supporting arguments about public safety, even in addition to the arguments originally considered in relation to disclosure, do not demonstrate that disclosure of the information would, or would be likely to, prejudice substantially public safety (within the meaning of 10(5)(a) of the EIRs). She has therefore concluded that the decision should be enforced.

20. This conclusion was not reached lightly. The Commissioner recognises that the evidence does not provide a compelling argument that the threats are more likely to occur or be acted upon because of the information being disclosed. Those who are aware of the details of shooting of seals and by whom. There is already a significant amount of information in the public domain about the shooting of seals and who holds the information.

Retrospective information is unlikely provide sufficient detail for threats to be acted upon or targeted action. Withholding it will not stop events such as have already occurred.

21. Therefore the Commissioner has decided that the decision will be enforced. She requires the Scottish Ministers to disclose the requested information to GAAIA by Tuesday 7 May 2013.

Please refer to previous correspondence and documentation on that case (193/2012).

GAAIA's reasoning and arguments for public disclosure remain essentially the same and I feel it is redundant to re-hash old arguments again here (that is until the Scottish Government provide copies of the "new evidence" it refers to in their refusal yesterday).

I repeat GAAIA's position that disclosure of the salmon farm sites killing seals is in the public interest and consumers have a right to know about the provenance of the salmon that they are buying. Some people make purchasing decisions based upon ethical, environmental and animal welfare grounds - such as Fair Trade coffee, dolphin-friendly tuna and palm-oil free products. In the same way, people who care about seals make a deliberate purchasing decision about boycotting products from Canada or Namibia (countries involved in the mass slaughter of seals). And some people wish to avoid buying farmed salmon from salmon farms killing seals or other marine mammals.

As I stated in a [press release on 24 August 2014](#):

"Surely the public have a right to know which sites are killing seals and make an informed decision about the salmon they are buying?"

And as the SIC reported in the [ruling of 26 November 2012](#):

Decision 193/2012
Global Alliance Against Industrial Aquaculture
and the Scottish Ministers



GAAIA submissions

27. In its submissions, GAAIA stated that it was asking for information about shootings which had already taken place, so there would be no opportunity to disrupt the killing of seals in future. It argued that there is no evidence to suggest that anyone has ever disrupted the killing of seals at salmon farms. In its view, the Ministers' claims with regards to "direct action" were blatant fear-mongering and did not hold water. GAAIA pointed out that the Orkney Seal Cull cited by the Ministers occurred some 30 years ago, and was intended to be a mass slaughter of seals, while salmon farmers claim by their own admission to kill only the occasional "rogue" seal as a last resort.
28. GAAIA stated that most, if not all, salmon farming companies are engaged in the killing of seals, which, it believed, negates the argument that particular companies would be targeted following disclosure of the requested information. It argued that many people want to be able to buy salmon from sites where seals are not shot, in the same way that people choose to buy "dolphin-friendly" tuna, and that site specific information was required in order to make such purchasing decisions.

I can obviously expand once the Scottish Government provides copies of the "new evidence" and "recent evidence relating to harassment, intimidation and threats made to company staff and their family members by specific campaigners" it referred to in their email of 25 September 2014 refusing disclosure; namely:

"You suggested that this decision runs counter to recent decisions by the Scottish Information Commissioner, and asked what evidence the Scottish Government has that the situation has changed.

Following my review of the information held on recent evidence relating to harassment, intimidation and threats made to company staff and their family members by specific campaigners, I am satisfied that new evidence received since the Commissioner's decisions does change the situation. Therefore I have concluded that the exception and the public interest test were correctly applied. I cannot provide details of that evidence because that would defeat the purpose of applying the exception."

My review request to the Scottish Government (21 August) included:

"The real reason the Scottish salmon farming industry does not want data on seal killing salmon farms to be disclosed is market success and the future certification of farmed salmon. In December 2012, the SSPO wrote to the Scottish Government claiming that the release of the names of the seal-killing salmon farms would "have a direct impact on the market success of their products" (read the SSPO's letter in full [online here](#))."



Willie Cowan
Marine Scotland
Scottish Government
Victoria Quay 1-B
Edinburgh EH6 6QQ

December 6th 2012

Dear Willie

Information Commissioner Decision 193/2012

Following the recent decision by the Information Commissioner to permit the disclosure of locations where seals have been shot at salmon farms, I have been asked to write to you on behalf of SSPO members.

Our membership is extremely dismayed by this decision and believes it will have a direct impact on the safety of their employees and on the market success of their products. Don Staniford stated in this week's media that "the consumer now has the opportunity to boycott salmon from the named farms".

Bearing this additional information in mind, SSPO member companies would expect the Scottish Government automatically to appeal this decision.

Could you please confirm that this is your intention?

Yours sincerely,

A handwritten signature in black ink, appearing to read "Scott Landsburgh". The signature is fluid and cursive.

SCOTT LANDSBURGH
Chief Executive

Please also note the fact most Scottish salmon farming industry operators - as represented via the Global Salmon Initiative - have pledged to certify all their salmon farms via the Aquaculture Stewardship Council by 2020.

Read online via <http://www.globalsalmoninitiative.org/areas-of-focus/standards/>

Marine Harvest stated in a press release in May 2013:

"In our existing plans for investment for the next 5-10 years several of the strict criteria in the ASC Standard will be fulfilled. It is our ambition that 100% of our farms will be third party certified by 2020"

Online via <http://www.marineharvest.com/globalassets/products/fact-library/asc-sustainable-growth-towards-2020.pdf>

Read more via

http://scotland.wwf.org.uk/what_we_do/about_wwf_scotland/publications/?6601/Salmon-farming-Scotlands-largest-company-commits-to-reducing-its-environmental-impacts

However, the ASC farmed salmon standard only permits the killing of two marine mammals in a two year period - here's Intrafish reporting last month on the implications for Marine Harvest in Canada:

Marine Harvest Canada farm withdraws from ASC review

Drowned sea lions force salmon farming giant to delay certification process at Shelter Bay for at least 2 years; company still pursuing certification at Marsh Bay site.

 Josh Stills

Published: 17.07.2014 10:11 Updated: 17.07.2014 09:51

Marine Harvest Canada's bid for Aquaculture Stewardship Council (ASC) certification for its Shelter Bay salmon farming site in British Columbia is facing a two-year delay after six sea lions were trapped inside one of the cages and drowned, Clare Backman the company's director of public affairs, told IntraFish.

An equipment malfunction at the site allowed the sea lions to bypass the predatory exclusion net in one cage, but the animals were unable to escape once in and drowned.

"A rope, part of the rigging system, was chaffing and opened a small hole into the predatory exclusion net underneath the pen," Backman said. "The sea lions were able to get in, but weren't able to escape."

The discovery, made by divers earlier this month at the farm, forces Marine Harvest to withdraw from the ASC certification process, Backman said.

ASC rules stipulate that farms undergoing certification must less than nine total kill incidents in a two year span and no more than two of them can be marine mammals, which prompted Marine Harvest to withdraw its reiew for that site.

In April, Marine Harvest submitted the Shelter Bay and Marsh Bay sites for ASC certification. While the Shelter Bay farm will have to reapply in two years, the Marsh Bay farm is still under review.

Marine Harvest is currently examining all of its 319 other cages at the 40 farming sites in British Columbia to ensure the incident was isolated.

"We never want to harm any of these animals, that's why the predatory exclusion nets were put in," he said.

The incident will not affect Marine Harvest's Canada's bid for ASC certification at a second site in Marsh Bay, and Backman said the company will continue to pursue certification for all of its sites.

Associated Articles

- Marine Harvest posts highest-ever quarterly earnings
- Marine Harvest, Grieg target 'steady, controlled growth' in Canada
- Monterey Bay flip-flops on farmed salmon sustainability
- Marine Harvest's Canadian farms begin ASC certification process

<http://www.intrafish.com/news/article1393929.ece>

It is therefore clear that non-disclosure of seal killing data in Scotland will benefit those salmon farming companies killing seals.

Moreover, the disclosure of seal killing salmon farm sites is presumably public knowledge via the ASC."

December 2014 - GAAIA files the following FOI request with Police Scotland, Scottish Government, Scottish Natural Heritage and the Scottish Environment Protection Agency:

"Please provide information relating to any deaths threats, verbal threats/abuse, harassment, intimidation hate mail and other correspondence, threatening behaviour, illegal and criminal activity and any other details connected to the shooting and killing of seals in Scotland during 2013 and 2014."

January 2015 - GAAIA provides further evidence to the SIC:

"Your email of 14 January invited comment on anything specific and significant re. "the public interest test" by 20 January.

In brief, my point is regarding consumer confusion in the marketplace and the consumer perception that they are buying seal-friendly farmed salmon.

I give two examples of what consumers perceive to be "best" practice (i.e. by buying M&S Lochmuir salmon and RSPCA/Freedom Food certified salmon consumers honestly think that they're doing the right thing and steering away from lethal salmon farms):

1) RSPCA/Freedom Food:

The RSPCA/Freedom Food certification scheme which currently applies to 70% of the Scottish salmon farming industry (rising soon to 80%). Consumers are currently being misled by the RSPCA/Freedom Food logo on farmed salmon which Sainsbury's, for example, uses to justify their "responsibly sourced" claim:



However, the RSPCA/Freedom Food farmed salmon standard permits the killing of seals as a "last resort" (RSPCA welfare standards for farmed Atlantic Salmon, p.19, July 2010) - a policy no different from the lethal policy of the Scottish Salmon Producers Organisation's Code of Good Practice.

Despite repeated requests, the RSPCA/Freedom Food refuse to publish either a list of their certified salmon farms or annual figures on the numbers of seals killed (please see the next email for the latest request).

Now that the new Fish Labelling Regulations 2014 have come into force (on 13 December 2014) supermarkets are providing more voluntary information including the name of the salmon farm site.

Hence, if site specific seal-killing data is published consumers will be able to know which sites (including RSPCA/Freedom Food-certified sites) are killing seals.

As John Robins of Save Our Seals Fund said in a press release ("[Scotland's Seal Killers Named & Shamed! - Ban on 'Seal Unfriendly' Farmed Salmon?](#)" (GAAIA & Save Our Seals Fund, 28 June 2012):

"We have asked the U.S. Department of Commerce to use existing legislation to ban the import of Scottish farmed salmon. I hope the U.S. Government can force Scottish salmon farmers to install seal exclusion nets, something the Scottish Government and the RSPCA have disgracefully failed to do. When you buy Scottish farmed salmon, even RSPCA endorsed Scottish farmed salmon, you pay for bullets to shoot seals."

In the same way, GAAIA asks the Scottish Information Commissioner to enforce disclosure of seal-killing salmon farms. Consumers surely have a right to know which RSPCA/Freedom Food-certified salmon farms have killed seals?

For more background please see GAAIA's email to the RSPCA/Freedom Food.

2) Marks & Spencer's Lochmuir salmon:

M&S (along with Waitrose) carries the most consumer credibility in terms of quality, environmental awareness and animal welfare and their 'Lochmuir' salmon carries considerable consumer cachet. Yet, under M&S's farmed salmon standards seals are permitted to be killed (i.e. M&S follow the RSPCA's advice). Here's M&S themselves:

>> From: Retail Customer Services
>> <RetailCustomer.Services@marks-and-spencer.com>
>> Subject: RE: Salmon & Seals
>> To: "paula dengel" <pauladengel@yahoo.com>
>> Date: Wednesday, April 8, 2009, 12:08 PM
>> Dear Ms Dengel,
>>
>> Thank you for taking the time to contact Marks and Spencer.
>> Animal
>> welfare is a fundamental part of the M&S approach to
>> farming of
>> livestock and we have been recognised by the RSPCA and
>> Compassion in
>> World Farming as leaders in this area.
>>
>> We have taken guidance from the RSPCA on this matter, who
>> have assessed
>> the welfare implications for the farmed livestock, as well
>> as the
>> predator seals. Seals can cause huge losses of livestock,
>> killing fish
>> but also damaging nets and allowing other fish to escape
>> into the
>> environment, causing further impacts.
>>

>> Our Lochmuir(tm) Salmon is farmed by one grower at a number
>> of locations
>> in Scotland. As we have a close working relationship with
>> the growing
>> company and individual farm managers, we have developed
>> several measures
>> designed to prevent seals persistently attacking farmed
>> fish. These
>> include acoustic deterrents, tensioned nets and the removal
>> of any
>> moribund fish. The farms do not keep firearms on site to
>> prevent any
>> possibility of inappropriate use.
>>
>> We have worked with seal welfare groups to find
>> alternatives to these
>> controls and every incident of seal attacks are recorded.
>> We will
>> continue to look for solutions to this issue, but in the
>> meantime we are
>> following RSPCA advice.
>>
>> Thanks again for getting in touch.
>>
>> Regards
>>
>> Simon Hoskins
>>
>> Marks & Spencer, Retail Customer Service
>> Telephone: 0845 302 1234
>> E-mail: RetailCustomer.services@marks-and-spencer.com

Here's an extract from M&S's "CODE OF PRACTICE FOR SALMON SELECT FARMS - SALTWATER":

9. CONTROL OF PREDATORS

Salmon farms present a food source to Herons, Seals, Otters, Mink etc. and will naturally attract wild predators. All salmon farms are required to develop and implement a site specific predator control management plan which need to be reviewed on a yearly basis. Measures to reduce predation should be incorporated into all farms at the design stage. In existing farms, operators must ensure that all reasonable measures are taken to reduce the opportunity for predation.

- a) The predator control management plan must identify the special predator systems and procedures that will be used at the site to prevent predator problems and to minimise existing problems. The methods used must be shown to be effective whilst causing minimum disturbance to predators and other wildlife.

- b) Acoustic deterrent devices may not be effective over long term use and effort should be concentrated on presenting barriers to prevent predator access in the form of effective net specification and tensioning. The use of barrier netting may result in impact on non-target species and inhumane treatment of predators and should be avoided.
- c) The killing of wildlife should be an absolute last resort and must be strictly controlled and follow the current legislation of Scottish Natural Heritage and the Scottish Executive. The killing of predators (mammals and birds) is permitted only if the predator is actively attacking fish stock or is about to do so. Firearms may only be used for the final control of individual rogue predators which cannot be deterred by other means.
- d) Only staff that have a fire arms certificate are allowed to kill predators. Any killing of predators must be recorded and reported to the relevant authority.

Here's a letter from 2008 in which M&S also admit the killing of seals at its farms:

MARKS & SPENCER

Waterside House
35 North Wharf Road
London W2 1NW
Tel: 020 7935 4422
www.marksandspencer.com

Mr A Knight, OBE
Chief Executive
International Animal Rescue
Regency Close
Uckfield
East Sussex
TN22 1DS

20th May 2008

Dear Mr Knight,

Thank you for contacting our Chairman, Sir Stuart Rose, regarding Scottish Seals and Salmon Farming.

To make sure we consistently achieve the best standards of fish farming, we have over the last few years moved all our non-organic farmed Salmon into one program (our Lochmuir™ range), farmed on a number of specially selected sites by one grower. Salmon farms present a food source to Herons, Seals, Otters, Mink etc. and will naturally attract wild predators. In the same way as land farmers have a right to protect their livestock from foxes or other predators, we believe we must allow fish farmers the same right. However, we also believe control of predators must follow strict procedures:

- All salmon farms that supply M&S are required to develop and implement a site specific predator control management plan which is reviewed on a yearly basis. Plans identify the special predator systems and procedures that will be used at the site to prevent predator problems and to minimise existing problems. The methods used must be shown to be effective whilst causing minimum disturbance to predators and other wildlife.
- Lochmuir™ farms are not sited near concentrations of seals or main colonies.
- Everything possible is done to deter seals e.g. acoustic devices, regular net tensioning, removal of dead fish from sock at base of cage etc.
- Farms do not hold any firearms and farm staff are not permitted to use them.

Marks and Spencer plc
Registered Office:
Waterside House
35 North Wharf Road
London W2 1NW
Registered No. 214436
(England and Wales)

- When and only when there is a clear threat of a seal attacking cages, the farm manager can request permission from the Production Director to call in licensed contractors to shoot the predator.
- The killing of predators should be an absolute last resort and must be strictly controlled and follow the current legislation of Scottish Natural Heritage and the Scottish Executive. The killing of predators (mammals and birds) is permitted only if the predator is actively attacking fish stock or is about to do so. Firearms may only be used for the final control of individual rogue predators which cannot be deterred by other means.
- All incidents are recorded.

Our farmers already work with statutory conservation bodies e.g. Scottish National Heritage, and we are taking further measures to involve more local SNH offices, ensuring the decision to call in a marksman is taken at an appropriate level and fully documented. Farms must document any predator attacks and record stock loss as evidence for any decision.

Our standards incorporate the requirement of the RSPCA's Freedom Foods and the Marine Conservation Society's Principles and Criteria for responsible aquaculture. We have also been active in opposing commercial seal hunting in Canada and apply our Policy on Protection of Marine Mammals to all seafood we source.

I hope that the above gives you some assurance that we require farms to do everything possible to prevent predators being allowed to attack livestock and only as a very last resort are firearms brought into use. Compliance with this policy is checked during the routine farm audits we conduct.

Thank you again for contacting us.

Yours sincerely,



ANDREW MALLISON
Technical Manager – Seafood Procurement

Consumers surely have a right to know which M&S Lochmuir salmon farms have killed seals?

If the SIC does not enforce continuing disclosure then consumers will be duped into believing they are buying seal-friendly salmon."

January 2015 - GAAIA submits further evidence to the SIC:

"As counter evidence to the "new evidence" from the Scottish Government please see below three responses to GAAIA's request for input:

1) Rob Read, Chief Operations Officer of Sea Shepherd UK:

- including:

" Sea Shepherd has not obstructed USAN Salmon Fisheries Ltd's legal activities, or indeed the legal fishing activities of any UK company.

Sea Shepherd Seal Defence Campaign is primarily towards ending the illegal killing of seals by any company or individuals and we do this in cooperation with the police, water bailiffs and the authorities (NB: Sea Shepherd is primarily an anti-poaching organisation acting

against illegality and is not a protest group).....Sea Shepherd UK pose no threat to legal fishing companies, their property or employees (as can be confirmed by officers from Police Scotland I am sure)"

2) Raoul, Education Officer at the Hunt Saboteurs Association:

"I am more than happy to release all of the footage from both of our operations in Scotland last year if would help to show that at no time did we use any form of violence or intimidation in obtaining our evidence. I am also happy to swear an affidavit to this effect and testify under oath if necessary."

3) Libby Anderson, Policy Director at OneKind:

including:

"OneKind is very concerned to learn that this information may no longer be made publicly available..... Interest groups need to be able to scrutinise the information in order to identify the nature of the problem in different sectors of the fish industry"

and:

"We would ask that you apply the most rigorous of scrutiny to the assertions about public safety, bearing in mind that these have been raised from the outset. During Stage 1 of the Bill in 2009, the Scottish Salmon Producers' Organisation argued against publishing detailed data in view of threats or actions from some "seal activists in the UK who have shown a willingness to engage in direct and, in some cases, extreme measures"..This view was countered by the Sea Mammal Research Unit, stating that it supported "rigorous reporting procedures" to enable effective monitoring. The Unit argued that "In the past, poor information about the number of seals being shot has reduced the quality of management advice we have been able to give."

I am sure more evidence is available if the SIC is interested in following up this line of investigation.

Sadly, since GAAIA have been refused access to the "new evidence" we cannot comment more fully than we have previously submitted.

However, if the SIC has a change of heart/shares more information during the course of the investigation; or GAAIA's FOI requests with the Scottish Government, SNH and Police Scotland yield more specific details then we would be only too happy to do so."

January 2015 - GAAIA submits further evidence to the SIC:

"Over the course of the last week I have been assembling a Word document detailing all the FOI correspondence on this issue since my original FOI request in April 2012 (over 300 pages long) and would like to make a number of points:

1) During the previous case (Decision 193/2012), GAAIA was also not provided with copies of the "evidence" assembled by the Scottish Government until several months after the SIC made her final ruling (i.e. in August 2013 after the final ruling in April 2013).

However, in that case (FOI 201301617) it did not matter insofar as the SIC ruled in GAAIA's favour and forced the Scottish Government to disclose the specific salmon farm sites killing seals in May 2013.

Notwithstanding, a thorough review of that "partial release" disclosed on 9 August 2013 by GAAIA has made it abundantly clear to GAAIA that the "evidence" assembled by the Scottish Government was embarrassingly lightweight.

If the "new evidence" bears any resemblance to its predecessor (and GAAIA has been denied seeing this presumably until AFTER the SIC makes a decision on this case) then the Scottish Government has another dodgy dossier on its dirty hands.

It must also be stressed that the previous case (Decision 193/2012) was a systematic and well orchestrated attempt to prevent disclosure. For example, the following emails reveals that the Scottish Government contacted ca. 70 seal licence holders as well as the salmon farming industry lobby group (the Scottish Salmon Producers Organisation) effectively inviting objections (leading directly to the delay in disclosure in January 2013):

From: Stephen.Bruce@scotland.gsi.gov.uk [mailto:Stephen.Bruce@scotland.gsi.gov.uk]
Sent: 15 January 2013 17:06
To: Julie Frew
Cc: Jonathan.Nagl@scotland.gsi.gov.uk; Sam.Baker@scotland.gsi.gov.uk
Subject: Decision 193/2012 - GAAIA

Julie

As discussed earlier, here is the e-mail which Marine Scotland sent to the Scottish Salmon Producers Organisation, the Association of Salmon Fishery Boards and the Scottish Net Fishing Association about the above Decision. A similar message will also have been sent by their licensing team in Aberdeen to around 70 current and previous seal licence holders.

I must apologise that the last paragraph directs enquiries to the Commissioner. The FOI Unit does advise SG business areas to inform external third parties before releasing information in which they have an interest, but we would never suggest that they refer enquiries to the Commissioner.

Regards

Stephen

FOI Unit

Ext 45537

See our [FOI SharePoint](#) site for detailed FOI guidance.

From: Kent A (Andrew) On Behalf Of Walker IW (Ian)

Sent: 18 December 2012 12:33

To: John Webster; Keith Allan; Brian Davidson; Scott Landsburgh; David Sandison

Cc: Kent A (Andrew); Campbell M (Morag) (MARLAB); Tait E (Elaine); MacKintosh F (Fiona); McKenzie M (Margaret) (MARLAB); Mallon D (David); Palmer DJ (David)

Subject: Decision by Scottish Information Commissioner - 193/2012 - GAATA - ref: FOI/12/00534 - 26 November 2012

Dear All

I attach a link to the Decision by the Scottish Information Commissioner, which requires disclosure of information about how many seals were shot at each site by each licensee for 2011 and 2012.

<http://www.itpublicknowledge.info/applicationsanddecisions/Decisions/2012/201201193.asp>

You will see from the report that we based our case on the potential risk posed to public safety, including employees in the industry, by the release of information on the individual locations of seal shooting. Unfortunately, the Information Commissioner ruled against our arguments.

In light of this Decision and in the absence of any possibility of an appeal on a point of law, Scottish Government is obliged to disclose this information.

Although the original Freedom of Information Request (FOI/12/00534) and the subsequent Decision (193/2012) concerned fish farms only this has implications for fisheries. In light of a separate Freedom of Information Request (FOI/12/00954), which sought the same information in respect of fisheries and which was withheld on the same basis, it is considered that the same decision will apply in this case.

The Scottish Government has decided, therefore, to disclose the information about how many seals were shot at each site by each licensee, including for those that have shot nothing, for 2011 and 2012 for both fish farms and fisheries.

The information will be released on 10 January 2013 on the Scottish Government web-site.

If you have any concerns about this please contact the Scottish Information Commissioner at the following address:-

Scottish Information Commissioner

Kinburn Castle

Doubledykes Road

St Andrews

KY16 9DS

01334 464 610

enquiries@itpublicknowledge.info

Yours sincerely

Ian Walker

Marine Scotland

Marine Planning & Policy

Area 1A-South

Victoria Quay

Edinburgh

EH6 6QQ

0131 244 6568

0131 244 7613

ian.walker@scotland.gsi.gov.uk

Moreover, this went all the way to the top of the Scottish Government: as revealed by this email from the Office of the First Minister following a personal approach by the Secretary &

Treasurer of the Salmon Net Fishing Association of Scotland to the First Minister of Scotland himself:

From: Michael.Birrell@scotland.gsi.gov.uk [mailto:Michael.Birrell@scotland.gsi.gov.uk] **On Behalf Of** FirstMinister@scotland.gsi.gov.uk
Sent: 04 January 2013 14:13
To: CabinetSecretaryforRuralAffairsandtheEnvironment@scotland.gsi.gov.uk
Cc: Diana.Davies@scotland.gsi.gov.uk; Lynsey.MacDonald@scotland.gsi.gov.uk; Elaine.Campbell2@scotland.gsi.gov.uk; FirstMinister@scotland.gsi.gov.uk; Mary.McAllan@scotland.gsi.gov.uk
Subject: FW: DISCLOSURE OF INFORMATION ABOUT LOCATION & NUMBERS OF SEALS SHOT IN 2011 & 2012
Importance: High

John,

As discussed, grateful if you can ensure that this is taken forward appropriately.

Kindest regards,

Michael

Michael Birrell
Information and Office Manager
Office of the First Minister
0131 244 5213
First Minister's preferences can be found at:

<http://intranet/InExec/AboutUs/Ministers/MinisterialPrivateOffices/OfficeOfTheFM>

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: Keith Allan [mailto:Keith.Allan@raeburns.co.uk]
Sent: 04 January 2013 14:01
To: First Minister
Subject: DISCLOSURE OF INFORMATION ABOUT LOCATION & NUMBERS OF SEALS SHOT IN 2011 & 2012
Importance: High

Dear First Minister,

I am attaching a copy of a letter which I have today emailed on behalf of our Association to the Scottish Information Commissioner and we would be most grateful if you can assist us in any way in having the most alarming Decision to disclose information on numbers and locations of seals shot reversed as a matter of urgency.

Thanks and best wishes for 2013.

Yours sincerely,

Keith Allan
Secretary & Treasurer
The Salmon Net Fishing Association of Scotland

Keith Allan
Managing Partner

Raeburn Christie Clark & Wallace
399 Union Street, Aberdeen, AB11 6BX

t 01224 564636 m
f 01224 564601 www.raeburns.co.uk

Offices in Aberdeen • Banchory • Ellon • Inverurie • Stonehaven

The fact that the Scottish Government, even with the support of the Office of the First Minister, could not come up with something more substantial speaks volumes. Little wonder

then that the Scottish Government do not want the "new evidence" disclosed in this new/old (i.e. a carbon copy of the previous case) either.

2) The "evidence" actively assembled and submitted by the Scottish Government during the last case (Decision 193/2012) is both biased and bigoted. For example, this email labelling Animal Concern a "terrorist group" is erroneous (and potentially actionable).

From: [REDACTED]
To: margaret.mckenzie@scotland.gsi.gov.uk
Subject: RE: Request for Resubmission of 2013 Application
Date: Tue, 15 Jan 2013 23:01:05 +0100

I assume all is in order with these frequent requests for cull returns ?

More importantly, I want to respond to this Judicial Review decision(s). I think to the Information Commissar Lady, right ?? Can I please know to whom I need to send my response and the date required to have it filed ? It's been sitting here in long hand notes ready, but I cant find the shite which ignited the emotion that had me actually trying to respond to it.

It seems that an incompetent attempt may have been made by ScotGov to show the threat level to licensees. This is the feed back I am getting from my peers. That not enough evidence got called for inside the time frame.

What we need to ask the said Commissar, is would she renew her decision on a fresh challenge based on intimidation, terrorism, extortion, etc. ?

And had she asked the Police to investigate Animal Concern for terrorist group cross-membership ?

Sorry, but when it comes to Green violence I see Red(s). I am glad that Marine Scotland saw likewise.

[REDACTED]

I have known John Robins, Secretary of Animal Concern, for over 15 years and consider him a freedom (of information and for animals) fighter not a terrorist. Please watch this video of John dressed as Santa Claus: "[Santa's Message to the Scottish Government: Stop Shooting Seals!](#)" (and another video of John dressed in his 'terrorist' attire: "[Salmon Farming Kills Seals!](#)").

And please ask yourself, who is more of a terrorist? An animal rights activist who passionately believes in the rights of animals or a greedy salmon farmer who cuts costs by paying a marksman to kill "rogue" seals rather than protect his stock via the installation of expensive predator nets?

Who inspires more 'terror'? An animal rights activist armed only with a computer and terrific media contacts?



Or a blood-thirsty businessman who commands a posse of gunmen to cull dozens of seals?

Some of the other "evidence" is laughable. For example, this submission from James Mackay (no doubt solicited by the Scottish Government) refers to a "time bomb" and to "bloodshed, death, arson":

From: [REDACTED]
Sent: 03 January 2013 21:50
To: enquiries@itspublicknowledge.info
Cc: McKenzie M (Margaret) (MARLAB); Wright M (Manson); keith.allan@raeburns.co.uk; rapce.committee@scottish.parliament.uk; rob.gibson.msp@scottish.parliament.uk; george@usansalmon.com; david@usansalmon.com
Subject: DECISION 193/2012 GLOBAL ALLIANCE AGAINST INDUSTRIAL AQUACULTURE

MS Rosemary Agnew
 Scottish Information Commissioner

Dear Madam

Firstly I am Chairman of the Salmon net Fishing Association of Scotland and [REDACTED]

This decision to make a very delicate and controversial subject open to the public in my view is asking for major trouble to erupt between Salmon Fisheries along with the Aquaculture industry, open to being targeted by the animal rights people, thus leading to possible Bloodshed, Death, Arson, Boats and Equipment all being put at risk.

My crew and family along with all our Association members and families are very concerned about the decision made.

Please give this potential time bomb Urgent consideration before the information is published on the 10th of January, please at least let all the groups meet and try to come to a sensible agreement.

The time scale of this publication seems quick being that most of the time to respond was nearly all holiday

It should be remembered that the decision makers for this could potentially have blood on their hand or be liable for criminal damage to property or equipment.

Finally if freedom of information is so vital that it causes trouble, possibly a way forward is to have seal licencing scrapped and revert to the netmens defence then no one has to provide data to the public.

Please consider the contents of this e-mail, and please let me have your comments.

James Mackay

www.scottishsalmonassoc.net

The only bloodshed that I can see happening is down at the bloody salmon farm where seals are being killed not as a "last resort" but as a first resort.

Indeed, the multiple Facebook postings submitted as "evidence" by George Pullar of Usan Fisheries/Scottish Wild Salmon Company can just as easily be interpreted as backing GAAIA's case for disclosure in the public interest (i.e. the killing of seals is an emotive issue and many people in Scotland, the UK and globally view such unnecessary slaughter as abhorrent and are willing to stand up and speak out in defence of seals).

For example, here's some the Facebook postings submitted by the blood-thirsty Mr. Pullar (I use blood-thirsty in the sense that he advocates and champions the killing of seals - I do not know if he actually pulls the trigger himself but he clearly has blood on his hands in the sense that his company actively slaughters and kills seals):

• **PHOTO REMOVED**

██████████ B*stards. Human interference. Get better nets for fish farms and leave the seals be!!!

12 June 2012 at 00:20 · Like · 3

• **PHOTO REMOVED**

██████████ If its just about the money, then its Time to stop farming salmon at a net loss (even without the profound environmental damage) and start ecotourism, now please!

12 June 2012 at 00:22 via mobile · Like · 1

██████████ This is horrible. Shouldnt get away with it .

12 June 2012 at 01:23 via mobile · Like · 1

• **PHOTO REMOVED**

██████████ This is when I need a thumbs down

12 June 2012 at 02:51 · Like

• **PHOTO REMOVED**

██████████ this is one of the many reasons I dont eat fish!!

12 June 2012 at 05:10 · Like · 2

• **PHOTO REMOVED**

██████████ What can I do apart from post my disgust?

12 June 2012 at 13:05 via mobile · Like

• **PHOTO REMOVED**

██████████ I feel sick! This looks like a beautiful beach, it can't be good for the tourist industry for people to find poor murdered seal bodies lying on the sand! When I go to the seaside I'm looking for lovely live seals, it makes my day when I see them, they are such beautiful creatures! The people who do this must be psychopaths!

12 June 2012 at 13:29 · Like · 1

██████████ i would like to see these sporting estates that shoot these seals shut down and those responsible fined and jailed, who cares if a few fish is taken from fish farms it might be good for the fish farms if some of the fish is taken as it must be unhealthy having too many fish in one area thats how disease sets in, i think the scottish government is a bunch of self serving idiots they are suppose to serve the people not pander to big business. Its the same with birds of prey like golden eagles they are persecuted by game estates its these sort of cruel people that led to the extinction of wolves to preserve their game stock which are foxes ospreys were another species that was persecuted, how much more of our wildlife are we going to lose to these wildlife murders.

[12 June 2012 at 13:39](#) · Like · 3

- **PHOTO REMOVED**

██████████ so unfair

[12 June 2012 at 14:49](#) · Like · 1

- **PHOTO REMOVED**

██████████ th at makes ,Me sick to my stomach to see these poor defenseless creatures treated like this

[12 June 2012 at 15:39](#) via mobile · Like · 1

- **PHOTO REMOVED**

██████████ Garderstown is such a pretty little place, a hungry seal looking for his supper because humans stole all the fish, yet he is killed for being a thief?? If people stopped buying farmed fish, the fish farmers who killed this seal would be out of business....

[12 June 2012 at 19:51](#) · Like · 1

- **PHOTO REMOVED**

██████████ I've just written a letter about this to the local councillors and also sent an email to usan...I'll post response if I get one! I think a petition should be set up...anyone interested?

[12 June 2012 at 23:44](#) via mobile · Like · 3

- **PHOTO REMOVED**

██████████ so sad!!

[13 June 2012 at 03:03](#) · Like · 1

- **PHOTO REMOVED**

██████████ We were on holiday, renting cottage No.66 and left after 2-days of witnessing the callous shooting of the seals by a very brave man with a rifle, perched on the hillside right next to the cottage. Pity his ability to see where his kills were washed up wasn't as efficient as his ability to shoot the defenceless creatures- it's left to the public to tell him or CRRU where bodies are washed up. Usan Salmon Fisheries seriously need to monitor the behaviour of the staff they employ!

[15 June 2012 at 17:50](#) via mobile · Like · 1

- **PHOTO REMOVED**

What is wrong with these people. Sick sick sick!!

7 January at 18:58 · Like · 2

- **PHOTO REMOVED**

had dealings with these people for years..Karma will get them in the end. Sadiy nothing has changed..the laws are worse than ever, and these people are ALWAYS granted permission to shoot near breeding / haul out sites. I do sympathise...heartwrenching and disappointing when intimidation gets in the way of people standing up for our wildlife.

7 January at 18:59 · Like · 4

- **PHOTO REMOVED**

what can you tell us about who is possibly doing the shooting? how legal / illegal is it? And to the point, how do we name and shame them? Overall, how do we make them stop? If you think an article on them and the dead seals will help, just let me know

7 January at 19:02 · Like · 5

- **PHOTO REMOVED**

this is one of the reasons I dont eat fish! Id rather the wild life had it! this is not the dark ages and there is no excuse for animal abuse!! shame on those who do this!!!!

7 January at 19:05 · Like · 1

Judging by the number of Facebook 'likes' and posts, the public (at least some of the public) like seals; would like to see them protected and would like the information with which to make informed purchasing decisions (i.e. they would like to boycott buying salmon from farms or fisheries where seals are killed).

Mr. Pullar also adopts a legally threatening stance himself by suggesting that disclosure could carry "vicarious liability" (cited in his email dated 3 January 2013 to the SIC):

From: G Pullar, Usan Salmon Fisheries Ltd [mailto:george@usansalmon.com]
Sent: 03 January 2013 00:22
To: enquiries@itspublicknowledge.info
Cc: McKenzie M (Margaret) (MARLAB); MacKintosh F (Fiona); Walker IW (Ian); James Mackay; Kelth Allan; Director of Marine Scotland Mailbox;
Subject: Decision 193/2012 Global Alliance Against Industrial Aquaculture

Ms Rosemary Agnew
Scottish information Commissioner

By e-mail.

Dear Ms Agnew

I write as vice-chairman of the Salmon Net Fishing Association of Scotland, in respect of your decision in relation to the above case and its potential impact on a further freedom of information case recently dealt with by the Scottish Government (FOI/12/00954). Extracted below are a

More recently, last year after purchasing fishing rights at Gardenstown on the Moray Firth, our company became the target of hate campaign on Facebook and our operatives received a number of threats from local residents and others over our shooting of seals in a controlled legal manner in order to protect our fishery, equipment and livelihood. Requiring publication of who shot seals where will only serve to increase hostility by the uninformed public and will present a huge safety risk to our operatives who are carrying out the duties of their employment, with appropriate legal certification. We are also concerned as to what will happen in the event that an employee is harmed as a result of these disclosures and what the legal position will be in terms of vicarious liability. There is a clear and over-riding issue of public safety in this matter. It should be noted that we operate under a strict

[Letter disclosed to GAAIA in August 2013]

It appears that Mr. Pullar is no stranger to court - The Courier reported in February 2014:

Angus salmon netting company in the dock

12 February 2014 4:12pm

[Like](#) [+1](#) [Share](#) [Twitter](#) [Email](#)



Arbroath Sheriff Court

DC Thomson

An Angus salmon netting company is facing charges of catching salmon outwith permitted hours.

Usan Salmon Fisheries is the largest salmon netting company in Scotland and operates stations along the Angus coast and at Murkle/Castlehill on the North Coast and Gardenstown in the Moray Firth.

Owners David and George Pullar and Usan Salmon Fisheries face 12 charges, but nobody from the company was present when the case called on Tuesday before Sheriff Gregor Murray at Arbroath.

RELATED STORIES

[U-turn over controversial South Esk salmon fishing extension](#)

[Usan Salmon Fisheries warns Christmas trade will be hit by post office closure](#)

[Usan Salmon Fisheries director accuses Esk board](#)

Article online in full via <http://www.thecourier.co.uk/news/local/angus-the-mearns/angus-salmon-netting-company-in-the-dock-1.217305>

3) As I have pointed out previously, GAAIA's original FOI request in April 2012 focussed solely on salmon farms. GAAIA never asked for disclosure on fisheries - it was the Scottish Government who chose to publish data on both farms and fisheries. And now the Scottish Government's "new evidence" (since GAAIA has been refused access I can only make an educated guess based on the previous "evidence" made available in August 2013) relies almost exclusively on fisheries not farms.

There is a significant difference between seals killed at salmon farms and seals killed by fisheries interests - the latter can legitimately be called a cull on a single day or week whereas the former (especially if the salmon farming industry is to be believed - something which I would not always encourage) is the killing of one or two "rogue" seals as a "last resort".

A quick look at the seal killing data for 2011, 2012 and 2013 back this assertion up. For example, in the 2013 data published online by the Scottish Government (<http://www.scotland.gov.uk/Topics/marine/Licensing/SealLicensing/2011/2013/2013>), Usan Fisheries reported multiple killings of seals (e.g. 35 at Murkle & Castlehill in Q3 and 19 at Montrose in Q3) whereas the salmon farm sites tend to report single deaths or single digit deaths.

The same trend is apparent in the 2012 data with Usan Fisheries reporting 19 dead seals at Gamrie/Crovie in Q3 and 33 dead seals at Castlehill/Murkle in Q3. By contrast, the highest number of dead seals reported by salmon farm sites was 6 and most reports for salmon farm sites were one, two or three dead seals.

GAAIA certainly encourages the SIC to take a closer look at the data already released and come to your own conclusion.

4) There must be a right to reply from GAAIA and other interested parties - including Save Our Seals Fund/Animal Concern, Seal Scotland, Marine Concern, Sea Shepherd and Hunt Saboteurs Association.

Will the SIC be seeking the views of other parties involved in the seal issue to assess the veracity of the "new evidence" (in the same way as the Scottish Government invited comments from the seal-killing industry to back up its own case during Decision 193/2012)?

In the previous case (Decision 193/2012), GAAIA were not given the opportunity to reply to the "evidence" submitted by the Scottish Government. Indeed, GAAIA's FOI request to view the "evidence" was refused until AFTER the decision to disclose was upheld in April 2013.

In this case it is surely incumbent upon the SIC to permit a right of reply to not only GAAIA but other parties who may have evidence or counter-evidence to this "new evidence" submitted by the Scottish Government? GAAIA will certainly be asking the NGO community for their side of the story.

Sea Shepherd and the Hunt Saboteur Association, for example, were involved in the protests last year against seal culling at Gardenstown. Their perspective as well as Police Scotland's is surely vital if the SIC is to have a full and unfettered understanding of the situation.

As far as I am aware there was no "bloodshed, death, arson" (unless you take into account the bloody deaths of seals) during the Gardenstown protests. Indeed, according to Sea Shepherd, the Scottish Wild Salmon Company's 'killing team' was guilty of an "unprecedented attack" on the Sea Shepherd campaign crew.

Scottish Wild Salmon Company staff threaten Sea Shepherd Crew member with violence, identities masked pending full Police report





"Sea Shepherd UK have now reported the situation and shown video footage to Police Scotland," stated Sea Shepherd. "Sea Shepherd UK are confident that charges can now be brought against the ringleader of the Scottish Wild Salmon Company's out of control thugs" (read online via <http://www.seashepherd.org.uk/news-and-media/2014/04/21/violent-seal-killers-threaten-sea-shepherd-crew-caught-on-camera-1576>).

Whatever the outcome of any police investigation, it is surely imperative for the SIC to investigate the authenticity of both sides of the story. As my email to Julie Frew dated 30 December 2014 stated:

"As a sceptic, I strongly question the veracity of the Scottish Government's claims. Hence my FOI request earlier today to Police Scotland (I copied you and the SIC into the FOI request). Surely if Police Scotland has no record of the alleged threats and no action was taken then the authenticity of the Scottish Government's claims must be questioned further? As an aside, it has been suggested to me by a fellow campaigner against the killing of seals that hate mail could easily be fabricated. What actions has the SIC taken to authenticate the alleged threats?"

As far as GAAIA understands it (and this is obviously without seeing the "new evidence" or viewing any FOI reply from Police Scotland - not due until later this month) the evidence is sketchy at best. For example, here's the full extent of a police report relied upon in submissions by the Scottish Government during the last case (Decision 193/2012):

From: Sam.Baker@scotland.gsi.gov.uk [mailto:Sam.Baker@scotland.gsi.gov.uk]
Sent: 14 March 2013 09:31
To: Julie Frew; Margaret Keyse
Cc: Ian.Walker@scotland.gsi.gov.uk; Jonathan.Nagi@scotland.gsi.gov.uk;
Stephen.Bruce@scotland.gsi.gov.uk
Subject: FW: [REDACTED] Police Case No. [REDACTED]

Julie, Margaret

Please see below a copy of information from the Police Report as requested in relation to the GAAIA case (decision 193/2012). Unfortunately we weren't able to get access to the full report.

Regards

Sam

Samantha Baker
Freedom of Information Unit
Scottish Government
St Andrews House
Regents Road
Edinburgh EH1 3DG
Tel: 0131 244 4605

From: McKenzie M (Margaret) (MARLAB)
Sent: 14 March 2013 08:11
To: Walker IW (Ian)
Subject: FW: [REDACTED] Police Case No. [REDACTED]

Dear Ian,

Please see below. This is as much information as the police are willing to divulge regarding this matter. The person I spoke to last week said that normally the only person who would see a police report in full would be the prosecutor fiscal. Sorry I couldn't get anymore information than this.

Kind regards

Margaret

Margaret FGS McKenzie

Licensing Coordinator: Seals & Marine EPS

Marine Scotland - Marine Planning & Policy

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

9DB

e: margaret.mckenzie@scotland.gsi.gov.uk

w: www.scotland.gov.uk/Topics/marine/Licensing
tel no: 01224 295335 or 01224 295579

From: [REDACTED] [mailto:[REDACTED]]
Sent: 12 March 2013 08:15
To: McKenzie M (Margaret) (MARLAB)
Subject: FW: [REDACTED] Police Case No. [REDACTED]

PROTECT - INVESTIGATIONS

Dear Ms McKenzie

Further to our conversation on Friday, I am now in a position to provide some information to you about your query below.

Our incident recording system has been checked and I believe that the incident you refer to is [REDACTED].

I hope that this information is helpful to you.

If you have further queries, please get back to me.

Yours sincerely

[REDACTED]
Compliance Manager
Information Disclosure Unit
[REDACTED]

[REDACTED]

From: Margaret.McKenzie@scotland.gsi.gov.uk [mailto:Margaret.McKenzie@scotland.gsi.gov.uk]
Sent: 08 March 2013 13:42

To: Munro, Duncan
Subject: RE: [REDACTED] Police Case No. [REDACTED]

Dear Mr Munro,

Thanks for getting back to me so promptly. The actual [REDACTED] police reference number is [REDACTED]. I apologise if I misled you by quoting an incorrect reference number. The information requested is in relation to the Decision by the Scottish Information Commissioner, which requires disclosure of information about how many seals were shot at each site by each licensee for 2011 and 2012. The Information Commissioner is now considering the response which provided additional evidence from the salmon fishing industry regarding why they had particular safety concerns about releasing information regarding sites where seals have been shot under licence. The aim is to link the arguments more specifically to the additional evidence provided by the industry. This particular incident has been cited by the salmon fishing industry and the commissioner has asked specifically to see this police report. As far as specific details are concerned, I think it was at [REDACTED]. I hope this helps.

Kind regards

Margaret

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On 7 January 2015 I also forwarded an email from John Robins of Save Our Seals Fund/Animal Concern to the SIC dated 11 January 2013 which referred to "fictitious nonsense" in relation to a claim of a life-threatening attack.

In addition to claims of intimidation being either fabricated or exaggerated, it must be reiterated that any "new evidence" almost certainly and almost exclusively relates to fisheries NOT farms. As my email to Julie Frew dated 5 January 2015 stated:

"To some extent (and it is impossible to say without reviewing the "new evidence), I would venture to suggest that any verbal abuse, hate mail, intimidation, threatening behaviour etc has been directed almost exclusively at fisheries interests which kill seals (i.e. not at salmon farms)."

5) Previous submissions by the Scottish Government in the previous case (Decision 193/2012) suggested that disclosing the name of a specific salmon farm site is immaterial for consumers.

For example, a letter dated 15 August 2012 from the Scottish Government (name redacted) to Julie Frew at the SIC included the suggestion that "members of the public will not know which sites the fish came from at the point of sale":

It might be argued that the public has a right to know whether or not individual fish farming companies might have a more or less seal friendly policy so that they can make an informed decision about whether or not to purchase salmon produced by that company. We have recognised this legitimate concern at the review stage by releasing information on the numbers of seals shot by almost all companies. This allows the public to decide whether or not to purchase fish produced by particular company. The release of information about numbers of seals shot at individual sites is not necessary for this purpose since members of the public will not know which sites the fish came from at the point of sale.

A number of accreditation schemes exist for salmon farming, including Freedom Foods, Global G.A.P. and the Code of Good Practice for Scottish Finfish Aquaculture. These set environmental and welfare standards for farmed salmon. This can include monitoring of seal shooting at individual fish farm sites. They provide assurances based on reports provided under this monitoring but this does not encompass providing information on numbers of seals shot at each site to the public.

However, as GAAIA has previously pointed out, the Aquaculture Stewardship Council certification scheme (which Marine Harvest, Scottish Sea Farms and other companies have committed to adhering to by 2020 - and remember that scheme "only" permits one dead seal per farm per year) identifies particular sites and salmon from specific farms is stamped with the ASC logo. Consumers in the UK can already make informed purchasing decisions about avoiding farmed salmon from specific sites where multiple seals have been killed (as well as other environmental factors). The fact that no Scottish salmon farm is currently certified by the ASC speaks volumes.

The right of consumers to environmental information has been further bolstered by the Fish Labelling Regulations (Scotland) 2014 which came into force on 13 December 2014. These new regulations permit supermarkets and other retailers to label more specific details about the farming method, location and other environmental and animal welfare issues. When you are next in Tesco, Morrisons, ASDA, Sainsbury's etc you may see the specific farm identified on the packaging. For example, these two farmed salmon products (both RSPCA/Freedom Food certified) specify the salmon farm location:



Serving suggestion



Sainsbury's
Taste*the*
Difference

**OAK SMOKED
SCOTTISH SALMON**
Responsibly sourced



100g of a pack

ENERGY	FAT	PROTEIN	FIBRE	SALT
2000kJ	8.7g	1.0g	0.3g	1.00g
20%	18%	2%	<1%	20%
% of the Reference Intake				

Responsibly sourced from
BAGH A'CHRAISE
Pack price Use by
19 DEC
Keep refrigerated



If consumers had access to the 2014 data on salmon farms which kill seals then they would be able to cross-check to see if they were buying from a "seal unfriendly" (i.e. seals killed) or a "seal friendly" (i.e. zero seals killed) salmon farm. GAAIA strongly believes that consumers have the basic right to be able to make informed purchasing decisions.

Therefore, if the SIC chooses to perform a u-turn and prevent disclosure of seal-killing salmon farm sights then she will be placing the right to kill seals above the right to know. And that, GAAIA contends, runs counter to the SIC's mandate to uphold freedom of information and advocate for the public's right to know.

It must also be stressed that the current Freedom Food/RSPCA certification scheme - which I believe ca. 70% of the salmon farming industry is now certified with - does NOT markedly differ from the industry standard (e.g. the SSPO Code of Good Practice) which allows the killing of seals as a "last resort" (even though 87% of salmon farms surveyed did not have predator nets in place!).

In other words, a consumer buying RSPCA/Freedom Food certified farmed salmon may think that they are buying a "seal friendly" product but in fact they are paying for the bullets to kill seals (John Robins at Animal Concern/Save Our Seals Fund has made this point publicly in the press on several occasions). Read also this from Seal Scotland:

<http://www.sealScotland.com/rspca-freedom-foods-and-shot-seals/>

Hence consumers (until 2020 at least if the Scottish salmon farming industry is to be believed) are left in the dark about the provenance of farmed salmon and whether their salmon comes from a "seal unfriendly" farm (i.e. at one where seals have been killed).

The SIC surely has a duty to uphold the right to know of consumers and a duty of care to the purchasing public rather than a duty to protect the salmon farming industry from public scrutiny and upholding the spurious fear-mongering of trigger-happy salmon farmers?"



Read more via: Don Staniford's blog "[The Killers](#)" and GAAIA's web-pages "[Killing Farms](#)" and "[Killer Panda](#)"