

4 May 2016

Dear Mr Kempe

Freedom of Information Request (16/00563): Standards Commission Hearing

I refer to your request for information under the Freedom of Information (Scotland) Act 2002 contained in your letter of 4 April 2016.

Your Request

You have requested:

‘if Loch Lomond & The Trossachs National Park Authority ever reported Mr McKee’s trading in shares or their subsequent investigation to the Scottish Government, and if so when? If the matter was reported, I would request copies of any communications between the Park and the Government on this subject’.

As the information you have requested is ‘environmental information’ for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under these Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not have to deal with your request under FOISA.

This exemption is subject to the public ‘interest test’. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes.

This is essentially a technical point and has no material effect on the outcome of your request.

Response to your request

The Scottish Government was first made aware of a situation regarding a directly elected Board member and shareholdings in 'Scotgold' in December 2014 (via a conversation between the sponsorship Deputy Director and Park Convener). The Park provided a further verbal update to the Scottish Government at the liaison meeting held on 15 January 2015.

The Park Authority referred to its internal investigation in two emails sent to the Scottish Government. The relevant text of these emails is as follows:

1. Email from Gordon Watson to Keith Connal on 30th January 2015.
"As promised I attach a copy of our internal review. Only the Convener and Chair of Audit have seen it, but a summary of the findings have been communicated to the full Board."
2. Email from Gordon Watson to Iain Martin on 2nd February 2015.
"As promised, I attach a copy of our internal review, which I have also sent to Keith."

A copy of the report referenced in the above emails is attached.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to Bridget Campbell, Director of Environment and Forestry at director.enfor@gov.scot Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your rights is available on the Commissioner's website at: www.itspublicknowledge.info.

Yours sincerely



GORDON ROBERTSON