

Our Ref 201600611

Mr Nick Kempe
23 Queen Square
GLASGOW
G41 2BG

11 January 2017

Dear Mr Kempe

Compliance with Decision Notice 209/2016
Public Authority: Loch Lomond and the Trossachs National Park Authority

I refer to previous correspondence regarding the above. This relates to your information request of 9 December 2015 in which you asked for “any other written material (eg presentations)” that might have been produced for ten specified Board Briefing Sessions.

I understand that you have been communicating with the investigating officer in this case, Wendy Snedden, in connection with your concerns that Loch Lomond and The Trossachs National Park Authority (LLTNPA) holds further information falling within the scope of your request which it had not previously identified or considered.

I write to update you regarding the progress of your complaint.

Following further investigation and fresh searches for information, LLTNPA has confirmed that it holds additional information falling within the scope of your request that was not originally identified or considered. LLTNPA has provided me with an explanation of the circumstances surrounding this, together with a copy of the further information identified as falling within scope.

It seems that there are two main reasons for this unfortunate situation arising, namely:

- (i) LLTNPA appears to have interpreted your request too narrowly, and
- (ii) LLTNPA appears to have wrongly assumed that all information and documentation relating to your request was held in a central location.

I have given this matter my full consideration and I am disappointed, to say the least, with the way in which LLTNPA has handled your request for information and your subsequent application to this office, in particular matters concerning record keeping and searches for information.

This information identified following LLTNPA’s further searches falls into four categories:

1 Information which LLTNPA intends to disclose to you

LLTNPA has indicated that it is willing to disclose to you all of the further information identified as falling within the scope of your request, with the exception of the names of landowners which it considers to be excepted from disclosure under regulation 11(2) (Personal data) of the EIRs.

LLTNPA believes that disclosure of this information would enable the individuals concerned to be identified, and given the high profile nature of the “Your Park” project, could lead to an intrusion into their rights to privacy.

Continued overleaf

Even though we have not conducted a formal investigation under FOI into whether or not LLTNPA is correct to withhold this information, the matter has been considered carefully when addressing your complaint. I am satisfied that LLTNPA would be entitled to withhold these names under regulation 11(2) of the EIRs, as the information is clearly the personal data of those individuals, who would be identifiable as a result of disclosure under the EIRs and disclosure would breach the Data Protection Act 1998.

2 *Information not considered relevant by LLTNPA*

Some of the information identified in the additional searches carried out by LLTNPA does not fall within the scope of your request, for example (but not limited to) information not related to the "Your Park" project. This means that there is no obligation on LLTNPA to disclose this information to you in response to your information request so I would not be able to require it to do so.

3 *Information previously disclosed to you*

The additional searches carried out by LLTNPA identified further copies of some of the information already disclosed to you, following Decision 209/2016.

I am satisfied that this information has already been provided to you and there would be no value in providing duplicate copies of information previously disclosed.

4 *Information otherwise available*

The additional searches carried out by LLTNPA identified information that is publicly available on LLTNA's website.

I have asked LLTNPA to take steps to provide you with the following information without any further delay (and no later than the end of this month):

- The information described at point 1 above (with the exception of the information LLTNPA considers to be excepted from disclosure under regulation 11(2) of the EIRs).
- The specific links to where the additional information is publicly available (as described at point 4 above).
- A full explanation as to why this unfortunate situation occurred.
- An apology.

Please inform Wendy Snedden, Freedom of Information Officer, when you receive the further information (email wsnedden@itspublicknowledge.info).

Thank you for your patience in this matter and do not hesitate to contact us if you have any residual concerns.

Yours sincerely

Rosemary Agnew
Scottish Information Commissioner