

## The Toxic Culture at Cairngorm Mountain and data protection law

### Description

Some of you will have seen the articles in the National and Strathy newspapers which led to Nick Kempe's post ([see here](#)) about the "Toxic Culture" at Cairngorm Mountain (Scotland) Ltd (CM(S)L) and the apparent lack of action by either their senior management or board or Ms. Carrol Buxton, the Deputy CEO of Highlands and Islands Enterprise (HIE), to whom the matter was reported.

The following quote is from HIE's website:-

The Fair Work Convention's vision is that by 2025, people in Scotland will have a world-leading working life where fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and communities. We are committed to providing a workplace that is built on the five key dimensions of Fair Work: effective voice, opportunity, security, fulfilment and respect.

Note "effective voice and respect".

It would appear that Carroll Buxton hadn't read that bit, but as interim CEO at the time of the initial complaint, the correct course of action would have been to refer the case to Karen Moncrieff, the current Director of Human Resources, or her predecessor, for advice or investigation! Instead, she or someone at HIE couldn't get off the phone quickly enough to inform Susan Smith, CEO at CM(S)L at that time, about the whistle blower's accusations. As the Strathy reported:

HIE declined to comment and said the allegations were a matter for CMSL.

The lack of interest and concern was an absolute disgrace. HIE is owner of CM(S)L and therefore ultimately responsible for the actions of any employee. Both are publicly funded through the Scottish Government and for that reason alone an independent transparent investigation was, and still is, necessary.

The Strathy went on to report:

The acting boss of Cairngorm Mountain has come to the defence of his management team and staff but did not address the bullying allegations directly.

Tim Hurst said: "Since I took over as interim CEO in October last year, it has become clear to me that the staff and management team at CMSL are a highly motivated and capable group of individuals who have been working tirelessly to keep the resort operating all year round under some very difficult circumstances.

Mr Hurst, was,

at the time of the accusations, part-time Chief Executive of CM(S)L and still is a board member::

## HURST, Tim

Correspondence address

**An Lochran, 10 Inverness Campus, Inverness, Scotland, IV2 5NA**

Role **ACTIVE**  
**Director**

Date of birth  
**April 1965**

Appointed on  
**29 June 2021**

Nationality  
**British**

Country of residence  
**Scotland**

Occupation  
**Director**

Mr Hurst's failure, along with the rest of the board, to address the bullying accusations is deplorable. After the incidents are alleged to have occurred, two new directors, Jacqueline Douglas and Inglis Lyon, were appointed to CM(S)L on 25/11/2024. One wonders if they have done anything to address the issues or have just become part of the "Toxic Culture".

The next quote from the Strathy shows how bad the HIE/ CM(S)L situation is although the initial question was about the funicular :-

*"Highlands MSP Edward Mountain demanded an inquiry during First Minister's Question in Holyrood saying the loss of millions of pounds on the project is down to an HIE fiasco after nearly six years of incompetence."*

The First Ministers reply:-

Mr Swinney *"refused to budge on the issue saying HIE enjoys his utmost confidence!!"*

Unfortunately instead of learning from the past, these events seem to have reinforced the idea among senior management of CM(S)L that they are untouchable. I hope the Information Commissioner will prove that **WRONG**.

## **How CM(S)L and HIE are breaching data protection law**

On **03/02/2025** I entered a Subject Access Request or SAR to CM(S)L asking for details of any and all information that they hold on me. This is everybody's right under the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). According to the UK Government website on data protection ([see here](#)) :

*"The organisation must give you a copy of the data they hold about you as soon as possible, and within 1 month at most."*

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*â??In certain circumstances, for example particularly complex or multiple requests, the organisation can take a further 2 months to provide data. In this case, they must tell you:*

- *within 1 month of your request*
- *why thereâ??s a delay*

Note: *â??as soon as possibleâ??. As far as I can tell from the GOV.UK website the 1 month is not a legal requirement but considered to be best practice,*

It used to be the case under a former Human Resources manager that Freedom of Information were answered promptly, usually next day and even on one occasion the same day. I spoke to the gentleman about this and he said *â?? I liked to get those requests out of the way asap but was then told by **senior management** to delay the responses until the last possible minuteâ?!*

Having not received any response to my SAR request, I queried the delay and received a response from the current HR co-ordinator which I have abbreviated:-

I am writing regarding your Subject Access Request (SAR) received 4 January 2025.

Note CM(S)L state they received my SAR **ONE MONTH** before I sent it!

We are requiring additional time to complete your request. This is due to having several different systems through and we must ensure that our searches are thorough and accurate on each system.

The time frame can be extended a further two months however, I endeavour to have a response with you at the end and aim to complete this sooner than the aforementioned time frame.

If you have any questions or need further clarification, please do not hesitate to get in touch. This claim that CM(S)L needed more time to search through different systems suggests either:-

- (a) holding a huge amount of information on me, or
- (b) has an IT system that is completely fragmented and unfit for purpose (despite the huge amount of public money that has been invested in the business), or,
- (c) senior management has again told the HR manager to hold off until the last possible minute (as they did with my FOI requests)! or,
- (d) holding information on me they shouldnâ??t.

The first two explanations appear unlikely and at first I thought that the real reason was perhaps that senior management had ordered the response to be delayed, as they did with my FOI requests, but someone then forgot to respond. In responding to an FOI that was delayed the HR manager confirmed that a senior manager, whose name was supplied, is blind copied into ALL FOI responses. Perhaps that manager ordered the response to be delayed?

The response did say, however, that the reply to my SAR should be with me by no later than three months after it had been received, i.e either by 03/04/2025 using the date they said the SAR had been received, or 03/05/2025 using the date they actually received it.

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Well guess what? On the evening of 13/05/2025 I sent this email:-

Good evening,

It is now over three months since I entered an SAR with you and, apart from an email stating you needed more time to access, not had a response which was due on 03/05/2025. I am therefore making a complaint to you as required by the UK Information Act as you are in breach of the terms of the data protection act.

Could you now respond to my SAR as soon as possible please?

I received a reply from H.R. on 16/05/ 2025,

I am writing regarding your Subject Access Request (SAR) received 4 January 2025.

We apologise for the delay in our response.

By way of update, we are still processing your SAR. This has taken longer than anticipated due the complexity issues narrated in your extension. For your further information , we have commissioned external advisors to help expedite this process.

We will be in touch with the finalised bundle as soon as possible. I am receiving regular updates and believe this will be complete soon.

I sought advice from the UK Information Commissioners Office about why external advisers would not be involved and on 03/06/2025 wrote to the HR Manager as follows:

I appreciate that the delay in a response to my SAR may not be your fault but I have now taken further action and would like to discuss this to your CEO and any other senior management involved in the process.

It is now four months since I sent you a Subject Access Request to which I have not had a satisfactory response. As you can see from my parent company, Highlands and Islands Enterprise, as I believe they should be made aware of the problems encountered with your therefore lack of response, and also the UK Information Commissioners Office with whom I have raised an official complaint under the Data Protection Act.

I spoke to the ICO about a week ago regarding your comment "we have commissioned external advisers to help expedite this process" and was advised to ask the following:-

- (1) Whether or not the external advisers have access to my personal information,
- (2) The name of the advisers business, and,
- (2) A date by which you expect to be able to supply an answer to my SAR?

A week later, on 10/06/2025, I received a reply to my questions:-

1. Whether or not the external advisers have access to my personal information

**1.1 Yes, in accordance with our Privacy Policy, we have transferred your Personal Information to our trusted legal partners Brodies LLP. As our legal advisers they are subject to strict confidentiality obligations and will only process the data in order to provide CMSL with legal advice.**

2. confirmed the advisers as Brodies LLP, and

3. A date by which you expect to be able to supply an answer to my SAR?

**3.1 We anticipate the response will be with you by no later than the end of this month however we are working to get it to you much sooner.**

The end of the month of June, or much sooner, came and went and still nothing, so last Thursday 4th July I sent this email to HIE:-

I am unable to find an email address for your new CEO Mr Mike Gifford so could you please therefore forward him a copy of this email?

It is now FIVE months since I entered an SAR with you and as yet all I have had is excuses and delays. After detailing all the emails between us, as above, I ended the email:

According to this response you have transferred my personal information to your legal advisers, although I fail to understand the reason for that, but are unable to reply to my SAR!  
I think I have been more than patient considering the number of times I have been promised a response to my original SAR and would therefore expect a response by close of business tomorrow as in your last email you said "*We anticipate the response to be with you by no later than the end of this month*" i.e. June.  
Yours sincerely,

A week later, I have still had no response. What is clear is that IF CM(S)L had problems with their IT system, as originally claimed, then they could not have sent all my personal information to their legal advisers for advice! It appears therefore there is either some reason why senior management are not wanting to release the information or they have realised that they are in breach of the Data Protection Act and may have committed a criminal offence.

Delaying the release of the information, however, would appear only to make matters worse. One of the points of Subject Access Requests, as I understand them, is they allow people to correct or challenge information an organisation holds about members of the public.

I have complained to the ICO and only when the ICO makes a decision about my complaint and the actions of CM(S)L will more be revealed about the toxic management culture at Cairngorm Mountain. In my complaint to the U.K. ICO there is a question regarding potential financial penalties if CM(S)L is found guilty. I didn't tick that particular box because I don't believe public funds should be made to pay for mistakes the public have no control over. Its the toxic management and board culture and CMSL and HIE which needs to change.

## Category

1. Cairngorms

## Tags

1. Cairn Gorm
2. CNPA
3. Governance
4. HIE

## Date Created

July 11, 2025

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