



Mr Nick Kempe
nickkempe1@gmail.com
EIR Ref: 2018/002

9th February 2018

Dear Mr Kempe

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 14th January 2018. The information you have requested is environmental information, as defined in Regulation 2 of the Environmental Information (Scotland) Regulations 2004 (EIRs). The Park Authority has an obligation to deal with your request under the EIRs and an option to also deal with your request under the Freedom of Information (Scotland) Act 2002 (FOISA), unless the public interest lies in dealing with your request solely under the EIRs. We consider that the public interest in dealing with your request solely under the EIRs outweighs the public interest in also dealing with your request under FOISA, on the basis that the public interest is not served by duplicating consideration of your request under both regimes. We have therefore applied the exemption in section 39(2) of FOISA and dealt with your request under the EIRs alone.

Your specific requests and the response from the National Park Authority are provided below.

“Lea Hamilton stated that information on the 828 people warned by the LLTNPA will be held for three years.

I would be grateful if you could explain or provide me with a) the legal authority under which the LLTNPA as a National Park Authority is able to hold such information and for this length of time

The legal authority under which the Park Authority is entitled to hold information is set out in section 27 of the National Parks (Scotland) Act 2000 which set out our legal obligations in term of records.

The Loch Lomond & The Trossachs Camping Management Byelaws 2017 (the “Byelaws”) permit the Park Authority to hold the information to which you refer. Byelaw 9 relates to the provision of personal details when there are reasonable grounds for believing that a person has committed an offence under the Byelaws.

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
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The processing of this personal information is permitted under Schedule 1 of the Data Protection Act 1998 which permits the processing of personal information. The length of time that the Park Authority is entitled to hold this information is determined by a records retention schedule, which is maintained in compliance with the Public Records (Scotland) Act 2011.

b) who within the LLTNPA made this decision (I have checked and this was never discussed at a Board Meeting so it appears either this decision was taken at a secret meeting of the Board or else staff took the decision)

The Byelaws provide the authority to collect this information. The Byelaws were approved by the Park Authority Board and signed off by Scottish Ministers in January 2016.

In relation to how long the information is retained for, the record retention schedule is a required element of the Park Authority's records management plan, which has been approved by the Keeper of the Records. This was reported to the Board on 11th December 2017 in the Governance update section of the organisational update.

c) if the decision was taken by staff, what authority staff had to do so under the scheme of delegation and

As outlined in response b above, the authority to hold this information was created by the Byelaws which were approved by the Park Authority Board.

The collection and processing of this information is delegated to staff as outlined in Part 4 of the Scheme of Delegation relative to the Byelaws, which was approved by the Board on 12th December 2016, and can be found on our website at:

http://www.lochlomond-trossachs.org/rr-content/uploads/2016/07/Board_20161212_Agenda6_Appendix-2_Scheme-of-Delegation-for-Loch-Lomond-The-Trossachs-Camping-Management-Byelaws-2017.pdf

An accompanying paper submitted to the Board on the same date, sets out further details regarding the Scheme of Delegation, which can be accessed at:

http://www.lochlomond-trossachs.org/rr-content/uploads/2016/07/Board_20161212_Agenda6_Schemes-of-Delegation-for-Park-Authority-Byelaws.pdf

d) the date on which the warning system was implemented.”

The Ranger service has been able to issue warnings in relation to infringements of the Byelaws since they were introduced on 1st March 2017.

"Of the 828 warnings issued, please provide me with the information you hold on how many of were to people who had a valid permit

There were no warnings issued to people who had a valid permit. Accordingly I have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

Of the 828 warnings issued - a breakdown of which were for a) in breach of camping byelaw 9 on the lighting of fires

Section 8 of the Camping Management Byelaws 2017 applies to the lighting of fires. Section 9 of the Camping Management Byelaws 2017 is for refusal to provide personal details.

There were 21 warnings issued for a breach of camping byelaw 8 on the lighting of fires.

Of the 828 warnings issued, which were for

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b) a breach of one of the terms of the permit

There were no warnings issued for a breach of one of the terms of the permit, as stated above, there were no warnings issued to people who had a valid permit.

Of the 828 warnings issued, which were for

c) both of these. (i.e a breach of Section 8 on lighting of fires as well as a breach of one of the terms of the permit)

None

Yours sincerely

Governance & Legal Team
Loch Lomond & The Trossachs National Park Authority

Review Procedure

If you are dissatisfied with this decision, or the way in which the Authority has dealt with your request, you are entitled to require the Authority to review its decision. Please note that in order for a review to take place you are required to:

- Send your request for review in writing, setting out in full the reasons why you are requesting a review.
- Submit your review request within 40 working days of either the date on which you received a response from the Authority or the date by which you should have received a response under the terms of the Freedom of Information (Scotland) Act 2002, whichever is the later.
- address your review request to:

Governance & Legal Team
Loch Lomond & The Trossachs National Park Authority
National Park Headquarters
Carrochan
Carrochan Road
Balloch
G83 8EG
E-mail: info@lochlomond-trossachs.org

The review will be handled by staff who were not involved in the original decision. You will receive notice of the result of your review within 20 working days.

If you are not satisfied with the response to your request for review, you can contact the Scottish Information Commissioner, the independent body which oversees the Freedom of Information (Scotland) Act 2002, at:

Scottish Information Commissioner

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