



Mr Nick Kempe  
nickkempe1@gmail.com  
EIR Ref: 2018/005

9<sup>th</sup> March 2018

Dear Mr Kempe

#### **REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

I refer to your request for information, received by email on 9<sup>th</sup> February 2017. 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.

**“In my email of 2nd October to Simon Jones I set out a number of potential information requests. The LLTNPA then chose to treat the reduced list set out in my email to James Stuart on 11th October as EIR 2017-070. The consequence, which has I am sure been entirely accidental, is you have never responded to the fourth point in my original email and its never been dealt with as an information request. “**

Further to your email of 2<sup>nd</sup> October 2017 to Simon Jones, (Ref EIR 2017/070), the Convener of the Board responded to you on 9<sup>th</sup> October 2017, asking for you to allow staff time to complete work on a report to the Board. In your response to the Convener, dated 11<sup>th</sup> October 2017, you stated that you were:

*“quite happy to suspend my request for data/information about complaints.”*

This email trail is attached in Appendix A.

#### **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  
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

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In your email of 9<sup>th</sup> January 2018 addressed to Mr Jones and the Governance Manager, you then asked again for information about complaints:

*“The number of complaints the LLTNPA dealt with in 2017 under your complaints process and of these the number that were in whole or part about the camping byelaws broken down by application of the camping byelaws, the state of the camping permit areas, the operation of the permit system, the state of the Loch Chon campsite and the operation of the permit system for the Loch Chon campsite”*

Your email of 9<sup>th</sup> January 2018 has been processed as a request for information, Ref EIR 2018/001, and the response was sent to you on 6<sup>th</sup> March 2018.

**“I would therefore now wish to request formally:**

**Information about the number and type of complaints the LLTNPA has received which are related to the byelaws and Your Park (eg complaints about permit areas, campsites, the booking system, Your Park signage, attitudes of staff) in 2017”**

This request is considered to be substantially similar to your request of 9<sup>th</sup> January 2018. We are not obliged to comply with a subsequent request which is identical or substantially similar unless there has been a reasonable period of time between the making of the request that has been complied with and the making of the subsequent request. As there has only been a month between the requests you have made on this subject this is not considered to be a reasonable period of time for making a substantially similar repeat request.

**“any information the Park holds about complaints made to partners (eg Forest Enterprise Scotland) and any analysis the Park has undertaken of the complaints received.”**

The Park Authority does not hold information about requests made to partner agencies and has not undertaken an analysis of complaints received. Accordingly I have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

**“I would also request a copy of your complaints log for 2017, suitably anonymised, showing all complaints recorded by the LLTNPA and their outcome. This will help me understand how complaints about the byelaws fit into overall context of complaints by members of the public to the LLTNPA and what the outcomes of these complaints are.”**

An extract of the complaints log for 2017 is attached in Appendix B, which shows the number and subject of all complaints recorded.

Please note that personal information, namely the names of individuals who made a complaint and the names of members of staff involved in handling complaints have been withheld from release. To the extent that environmental information requested includes personal data of which the applicant is not the data subject, and in relation to which either the first or second condition set out in paragraphs (3) and (4) is satisfied, a Scottish public authority shall not make the personal data available.

In terms of satisfying the condition in paragraph (3)(a)(i), we consider that making the information available otherwise than under these Regulations would contravene the second and sixth Data Protection Principles, namely

2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

6. Personal data shall be processed in accordance with the rights of data subjects under this Act.

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The personal data of individuals who have made a complaint to the Park Authority has been provided for the purpose of investigating and responding to their complaint. These individuals will have an expectation that their personal data will be held securely and processed for the stated purpose of managing their complaint.

Complaints are processed in accordance with the process directed by the Scottish Public Services Ombudsman as either frontline complaints or complaint investigations.

A summary of complaints and trends is included in our annual report, details for 2016/17 can be found on page 7 of our annual report, available on our website at: <http://www.lochlomond-trossachs.org/park-authority/publications/annual-reports-accounts/>

A response to each complaint is sent, by email for frontline complaints, with a more detailed letter of response for investigations. We are required to record whether complaints were answered within the required deadlines for responding. There is no separate log kept of the outcome of a complaint, as the outcome of a complaint is the response to it, with answers given to the issues raised.

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](mailto: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.

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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

Kinburn Castle

Doubledykes Road

St Andrews

Fife

KY16 9DS

Tel: 01334 464610

Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Online appeal portal: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)

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