



Name: Nick Kempe
Email: nickkempe1@gmail.com
FOI Review Ref: 2024-024
Date: 2nd August 2024

Dear Mr Kempe

REQUEST FOR REVIEW OF DECISION UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

Loch Lomond & The Trossachs National Park Authority received your request for review on Monday 8th July 2024 relating to your request for information as follows:

"I am writing to request under Freedom of Information the recording of the Board Meeting today, which was broadcast through Microsoft Teams, and that the LLTNPA retain a copy if this request is refused until some such as the Information Commissioner has had an opportunity to consider the issues. The Cairngorms National Park and many councils make recordings of meetings available now as a matter of course and of good practice but the LLTNPA has always refused to do so."

Basis of Request for Review

Details of your grounds for requesting a review in your email of Sunday 7th July are as follows:

"The reasons that the anonymous person at Information Management has given for refusing release of the recording, the claim that the video recording contains personal information and is therefore exempt from Freedom of Information laws is rubbish..."

I am therefore asking you to intervene but should you be unwilling to do the right thing please take this as a formal review request of the LLTNPA's refusal to provide a recording of the last meeting."

"The offer in the letter to allow me to come into LLTNPA HQ to view the recording is completely unacceptable and an abuse of power. It completely contradicts the claim in the response from the anonymous person at information management that the information in the recording is exempt because of Data Protection laws and appears designed to inconvenience and intimidate me."

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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Assessment of Relevant Information

The response issued to you on 3rd July 2024 has been assessed, alongside your original request for information of 10th June 2024.

The decision to withhold the requested information under Section 38(1)(b) of the Freedom of Information (Scotland) Act 2022 (FOISA) has been assessed.

The offer of the opportunity for you to attend National Park offices to view a recording of the meeting has been assessed.

The decision to retain a copy of the requested information for an extended period as a result of its request under FOISA has been assessed.

Decision

My decision upon internal review is that the Information Manager's original decision to withhold the requested information under Section 38(1)(b) of the FOISA is confirmed without modification.

This is based on the fact that any recordings of meetings of the Loch Lomond and The Trossachs National Park Authority Board have only ever been used to inform the production of written minutes of those meetings for approval, and therefore no indication was given to participants or members of the public attending the meeting that their personal information would be processed in a way which would allow it to be made permanently available. It is therefore considered that the first condition as set out under Section 38(2A)(a) is satisfied; that disclosure would contravene a data protection principle - namely that of lawfulness, fairness and transparency.

I note that as detailed in the Information Manager's response, this exemption is not subject to the public interest test.

The offer of the opportunity for you to attend National Park offices to view a recording of the meeting is assessed as appropriate. Given that those attending and participating in the meeting did so with the understanding that the meeting was being livestreamed and was open to members of the public to attend, it is deemed reasonable that they may expect their data to be available in such a non-permanent manner.

The decision to retain a copy of the recording of the Board meeting beyond the completion of the draft minutes, when such recordings are ordinarily deleted, is assessed as appropriate on the basis of the request for information, right for review and right to appeal.

Review Procedure

If you are dissatisfied with this decision, you are entitled to appeal to the Scottish Information Commissioner. Please note that in order for an appeal to take place you must lodge that appeal within six months of the date of receipt of this letter. For more information about lodging an appeal please visit www.itspublicknowledge.info/YourRights/AppealingtoCommissioner.asp or contact the Scottish Information Commissioner:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

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Yours sincerely

Douglas Smith
Corporate Performance Manager

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