

REPORTING ABOUT THE EXPERIENCE GAINED IN SCOTLAND IN THE APPLICATION OF DIRECTIVE 2003/4/EC CONCERNING ON PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION

1. General description

Summarize the implementation of the Directive in particular at national and regional level.

The Directive is implemented in Scotland by the Environmental Information (Scotland) Regulations 2004 (SSI 2004/520) (the EISRs) which came into effect on 1 January 2005 – see: <http://www.opsi.gov.uk/legislation/scotland/ssi2004/20040520.htm>. These Regulations are supported by the ‘Code of Practice on the Discharge of Functions by Scottish Public Authorities under the EISRs’ (<http://www.scotland.gov.uk/Publications/2006/08/14104256/0>) and ‘Access to Environmental Information, Guidance for Scottish Public Authorities and Interested Parties on the Implementation of the EISRs’ (<http://www.scotland.gov.uk/Publications/2005/09/12134712/47142>) issued by the Scottish Government (SG). The Code and Guidance are currently under review and will be updated (as appropriate) later this year.

2. Experience gained

Describe what have been, according to your experience, positive and negative impacts of the application of the Directive so far (for instance, increased involvement of civil society/stakeholders in specific environmental matters, facilitating the decision-making-process and implementation of the consequent decisions, administrative burden ...).

A similar regime, the Freedom of Information (Scotland) Act 2002 (FOISA), also came into force on 1 January 2005. Under FOISA the public can request any recorded ‘information’ held by a Scottish public authority. The scope of FOISA is therefore wider than the EISRs which apply only to ‘environmental information’.

The public seem to have a greater awareness of their rights under FOISA than under the EISRs. Research commissioned by the Scottish Information Commissioner (SIC) (who enforces both regimes) in 2007 found, for example, that while 73% of respondents were aware of FOISA only 19% had an awareness of EISRs (<http://www.itspublicknowledge.info/home/SICReports/OtherReports>). In practice, however, requestors do not need to cite the appropriate regime when applying for information from a Scottish public authority. Indeed, most requestors ask for information without referring to either FOISA or the EISRs. If the information requested is ‘environmental information’, the Scottish public authority must determine the application under the EISRs (perhaps making use of the exemption in section 39(2) of FOISA for environmental information).

The SIC has been promoting the use of the EISRs more heavily in the past year which is helping to raise awareness. The SIC's website, for example, contains useful guidance on the application of exceptions under EISRs and a process flowchart explaining how FOISA and EISRs applications should be managed. Recent decisions of SIC also provide guidance. As already highlighted, the Scottish Government is also currently revising its Code on EISRs and once updated that will provide improved guidance. Of course, some authorities are very well informed about EISRs and handle the vast majority of the requests for information that they receive under it (for example, the Scottish Environment Protection Agency).

Our overall impression is that the impact of EISRs has generally been positive and is continuing to increase. The SIC has commented that from his own casework, there is evidence of environmental information being released under EISRs that would not otherwise have been accessible. In our own experience, the SG is putting more environmental information into the public domain (both proactively and in response to requests) as a result of EISRs and the change of culture it has promoted. Improved openness has led to greater accountability, more informed debate and awareness of environmental matters. Request handling has also reinforced the need for good records management.

The Directive has had some negative impact in terms of administrative burden for Scottish public authorities. In particular, it can be difficult in practice to determine what information falls within the scope of EISRs and when EISRs should be applied by an authority as opposed to FOISA. Also, when a particular issue is of national public interest or otherwise becomes high profile it may prompt many requests for information and responding within the permitted time periods can be challenging.

3. Definitions (Article 2)

3.1 Have you encountered any particular difficulties relating to the interpretation and management of the definition of 'environmental information'?

The EISRs replicate the Directive's definition of 'environmental information'. This definition is very broad and the SG (and other Scottish public authorities) have had some difficulties establishing where its limits lie. Essentially, these difficulties relate to the concept of 'remoteness'. Some information is quite clearly environmental because it is information specifically about impacts on the environment (for example, environmental impact assessments). Other information is less directly related to the environment (for example, discussions about planning applications) but because it is a measure which relates to a project which will have an impact on the environment, it seems reasonably clear that this is also environmental information. However, we have had other cases where the information seemed much more remote from the environment but was nevertheless held by the SIC to be environmental information (for example, a Ministerial media handling strategy for a conference about red squirrel conservation, see Decision 068/2008:

<http://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/2008/200701600.asp>). It would be helpful if the European Commission could provide more clarity about the intended limits of the definition.

3.2 According to your national/regional situation, give examples of the types of bodies that have been found to be covered by the provisions of Article 2, paragraph 2, letter b, “any natural or legal person performing public administrative functions under national law, including specific duties, activities or services in relation to the environment..” and letter c, “any natural or legal person having public responsibilities or functions, or providing public services, relating to the environment under the control of a body or person falling within (a) or (b)”?

The scope of the definition of ‘Scottish public authority’ in the EISRs is, in effect, the same as that in the Directive, although the format and presentation are different. It is broader than the definition applied under FOISA because, in addition to legally constituted public authorities, the EISRs also apply to bodies ‘under the control of’ such authorities where they have either public responsibilities relating to the environment; exercise functions of a public nature relating to the environment; or provide public services relating to the environment’. Ultimately it is for the SIC and the Courts to determine who falls within the scope of this definition. In practice, however, the SIC has received very few applications concerning such bodies and has not found any to be under the control of a Scottish public authority.

Where appropriate, formulate suggestions on how the meaning of ‘public authority’ may be further clarified.

It would be helpful to have Commission guidance on the meaning of ‘under the control of’ and ‘public administrative function’.

3.3 Do you have any other observations relating to the practical application of Article 2?

The EISRs could cover the activities of certain private sector companies. In practice, it may be difficult for an applicant to determine which private sector companies are subject to EISRs and the companies themselves may resist coverage. This is why further guidance would be helpful.

4. Access to environmental information (Article 3)

4.1 What are the practical arrangements as referred to in Article 3(5) c), set up by, in particular, national and regional authorities? Please provide examples of these practical arrangements.

These vary from authority to authority but, as explained above, most Scottish public authorities operate the EISRs alongside FOISA because, to minimise administrative burdens, the EISRs were designed to follow FOISA procedures as closely as was compatible with proper

implementation of the Directive. So there are different approaches to handling requests, according to the circumstances of the authority. Some deal with requests centrally, consulting relevant colleagues as necessary. Others, like the SG, take a more decentralised approach. Here requests are dealt with by the officials responsible for the information which is the subject of the request. Support is available to them from senior managers within each Directorate of the SG and from a central FOI Unit.

The ‘Code of Practice on the Discharge of Functions by Scottish Public Authorities under the EISRs’ (<http://www.scotland.gov.uk/Publications/2006/08/14104256/0>) makes clear that it is “*essential that everyone working in a Scottish public authority who deals with correspondence or otherwise may be required to provide information, is familiar with the requirements of the EISRs and this Code, in addition to FOISA and the Codes of Practice issued under its provisions.... Scottish public authorities should also ensure that proper training is provided*” (paragraphs 15 and 16).

It is also relevant to note the obligation on Scottish public authorities to prepare a Publication scheme, under section 23 of FOISA. A Publication scheme sets out the information which an authority will routinely publish without it having to be requested and they include environmental information, eg: <http://www.scotland.gov.uk/About/FOI/19260>. The scheme provides details of how people can access this information and tells them whether it is available free or if there is a charge for the information. Publication schemes must be approved by the SIC. A great deal of the information specified in the SG’s publication scheme is available on the our website at: <http://www.scotland.gov.uk/Home>.

4.2 In which way has it been ensured that the public has adequate information of the rights they enjoy, as referred to in Article 3 (5) last paragraph?

Again, this varies from authority to authority but, as already explained, most Scottish public authorities operate the EISRs alongside FOISA. So, the SG, for example, has information on its website on how to submit an FOI or EISRs request – see: <http://www.scotland.gov.uk/About/FOI/access>. The SG leaflet ‘How to Open Government’ is also on our website at: <http://www.scotland.gov.uk/About/FOI/access/OpenGov/Q/EditMode/on/ForceUpdate/on>. These explain that a request under the EISRs can be made orally or in writing. Any request for ‘environmental information’ is treated as a request under the EISRs, regardless of whether the requestor refers to the regulations. Many other authorities take a similar approach.

Part of the SIC’s role is to promote use of FOISA and the EISRs (see regulation 18(5) of EISRs and section 43(2) of FOISA). Since coming into office in 2003 he has done this partly through advertising campaigns, press releases and attending conferences and other events. Extensive information is also available on his website at:

<http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.asp>. His website also lists the authorities subject to the regimes (<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> though of course the bodies captured under regulation paragraph (d) of the definition of a ‘Scottish public authority’ (regulation 2 of the EISRs) is more fluid.

The Commissioner’s office also provides an enquiry service for anyone who wants advice on the operation of FOISA and EISRs and in the last 4 years his office has responded to more than 6,000 enquiries.

4.3 Do you have any other observations relating to the practical application of Article 3?

No comment.

5. Exceptions (Article 4)

5.1 Amongst the possible exceptions listed in Article 4, which ones have been retained in the implementation of Directive, to refuse access to environmental information?

All of these exceptions have been retained – see regulations 10 and 11 of the EISRs (<http://www.opsi.gov.uk/legislation/scotland/ssi2004/20040520.htm>).

5.2 Have the Member States or regions issued any guidance (such as circulars or guidelines) governing the granting of exceptions?

The SG guidance document ‘Access to Environmental Information, Guidance for Scottish Public Authorities and Interested Parties on the Implementation of the EISRs’ (<http://www.scotland.gov.uk/Publications/2005/09/12134712/47142>) provides detailed guidance on each of the exceptions (currently under review; principal elements likely to be incorporated into Code enabling Guidance to be withdrawn later this year).

The SIC has also published more up to date guidance on the application of exceptions on his website at: <http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.asp>.

5.3 Have any steps been taken to ensure the accessibility of a list of criteria, as mentioned under Article 4(3), on the basis of which the authority concerned may decide how to handle requests?

The SG has published nothing specifically badged as a list of criteria under Article 4(3) but, in effect, our ‘Access to Environmental Information, Guidance for Scottish Public Authorities and Interested Parties on the Implementation of the EISRs’ does provide some criteria which authorities may use to decide how to handle requests. This is available on our website at:

<http://www.scotland.gov.uk/Publications/2005/09/12134712/47142>.

5.4 Do you have any other observations relating to the practical application of Article 4?

Interpretation of the exceptions can sometimes be difficult. For example, ‘manifestly unreasonable’ is not an exception that the SG has really tested and arguably can be quite subjective and difficult to apply in practice. The scope of ‘internal communications’ could also be clearer. The Aarhus Implementation Guide and our ‘Access to Environmental Information, Guidance for Scottish Public Authorities and Interested Parties on the Implementation of the EISRs’ both say the communication does not need to be within the same public authority but that communications between public authorities can be covered. Some further detailed guidance on the circumstances in which communications between authorities might be regarded as internal would be helpful.

6. Charges (Article 5)

6.1 According to Article 5 (2) public authorities may make a charge for supplying environmental information. Have public authorities fixed charges? Please give examples of what measures public authorities have implemented on charging.

Regulation 8 of the EISRs deals with charging. Many do not charge, for example, because they consider the information they hold to be public information, or because the cost of collecting fees is greater than, or at least little less than, the amount they could charge. Others do charge, for example, because they believe it is important to recognise that there is a cost involved in providing information, or because charging discourages frivolous requests. The SG does not charge for EISR or FOISA requests – this is explained on our website at <http://www.scotland.gov.uk/About/FOI/access#a3>. It is also explained in the SG leaflet ‘How to Open Government’ which is on our website at: <http://www.scotland.gov.uk/About/FOI/access/OpenGov/Q/EditMode/on/ForceUpdate/on>.

6.2 Please explain how it has been ensured that the applicants are aware of a schedule of charges and circumstances in which a charge may be levied or waived.

See answer to 6.1 above.

Guidance on fees and charges is contained in paragraphs 39 and 40 of the ‘Code of Practice on the Discharge of Functions by Scottish Public Authorities under the EISRs’ (<http://www.scotland.gov.uk/Publications/2006/08/14104256/0>) and paragraphs 62 to 68 of ‘Access to Environmental Information, Guidance for Scottish Public Authorities and Interested Parties on the Implementation of the EISRs’ (<http://www.scotland.gov.uk/Publications/2005/09/12134712/47142>).

The Code says that a charge cannot be made for access to public registers or lists, or for examination in situ. It goes on to say that for information which is actively disseminated or provided on request, any charge must not exceed the cost of providing the information. It states that a price list or costs must be clearly set out in the authority’s advertising/dissemination and be made available to the public. The Publication Scheme of a Scottish public authority must set out whether published information is available to the public free of charge or on payment.

The Guidance for Scottish Public Authorities reiterates the guidance given in the Code but adds more detailed advice and explanation.

6.3 Do you have any other observations relating to the practical application of Article 5?

The SIC encourages authorities to use the same charging structure for FOISA and EISR requests for information. The SIC may ask an authority to justify its charges.

Access to justice (Article 6)

7.1 What kind of review procedure is provided for an applicant in cases mentioned in Article 6(1) ? Please specify the appointed authority or independent body?

Regulation 16 of the EISRs provides an internal review procedure for handling representations by an applicant who considers that a Scottish public authority has not complied with these Regulations when dealing with their request. Representations must be made in writing to the authority no later than 40 working days after the decision or the date the decision should have been made by the authority. The authority is then required to consider the representations and to review the matter and consider whether it complied with the EISRs. It must respond to the applicant within 20 working days and, if it decides that it has not complied with the EISRs, must take immediate steps to remedy the breach.

7.2. What kind of procedure is provided for an applicant in cases mentioned in Article 6(2)? Please specify the institutions entitled to review.

Regulation 17 of the EISRs applies Part 4 and Schedule 3 of FOISA for the purposes of these Regulations. This means that any person who is dissatisfied with the decision of a Scottish public authority on their request under the EIRs, or the failure of the authority to reach a decision, may apply to the SIC for a decision. The application must be made in writing within 6 months of receipt of the authority's decision on the review under regulation 16, or the date on which such a decision should have been made. The Commissioner has extensive powers to investigate the case and make a formal decision which is binding on the authority. He also has powers to enforce his decisions.

7.3 Is the decision issued by the institution referred to in question 7.2 final? If not, please specify what kind of procedures could follow this one to get a final decision?

The SIC's decision is final. However, either the applicant or the public authority in relation to which the decision was made may appeal, on a point of law, to the Court of Session against a decision by the Commissioner (subject to the application of regulation 17). If the Court finds that the Commissioner has failed to comply with the law, it may quash the decision, remit it back to the Commissioner for a new decision, or (though in practice less likely) substitute a decision of its own.

7.4 Do you have any other observations relating to the practical application of Article 6?

No decisions of the SIC under EISRs have been appealed to the Court of Session.

8. Dissemination of environmental information (Article 7)

8.1 What measures have been taken to ensure that public authorities organise environmental information, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunications and/or electronic technology?

Article 7 is applied in Scotland by regulation 4 of the EISRs.

Guidance on active dissemination of environmental information is contained in paragraphs 17 to 20 of the 'Code of Practice on the Discharge of Functions by Scottish Public Authorities under the EISRs' (<http://www.scotland.gov.uk/Publications/2006/08/14104256/0>) and paragraphs 41 to 44 of 'Access to Environmental Information, Guidance for Scottish Public Authorities and Interested Parties on the Implementation of the EISRs' (<http://www.scotland.gov.uk/Publications/2005/09/12134712/47142>).

The Code draws attention to authorities' duty to organise environmental information with a view to active and systematic dissemination and to make it accessible by electronic means. It goes on to say that consideration should be given to making websites accessible to all and easy to use.

It also says authorities should consider how to publicise their duty to make information available, for example, as part of their general information services or through Publication Schemes under section 23 of FOISA.

The Guidance for Scottish Public Authorities reiterates the guidance given in the Code but adds more detailed advice and explanation.

Environmental information is included in Publication Schemes under section 23 of FOISA – and Publication Schemes require to be approved by the SIC - see answer to 4.1 above. Beyond that, practice varies between authorities though most will use their websites to disseminate environmental information. For example, the SG makes a great deal of environmental information available on its website at: <http://www.scotland.gov.uk/Topics/Environment>, as does Scottish Natural Heritage and the Scottish Environment Protection Agency (SEPA).

8.2 What are the measures taken to ensure that information is updated, as appropriate?

Each authority is required to take appropriate measures in accordance with the requirements of the EISRs, the SGs Code and Guidance.

8.3 Is there an obligation to report on the state of the environment, next to the national, also at regional and local levels and if so, according to which timetable?

SEPA has a statutory duty (under Section 33(2) of the 1995 Environment Act) to compile information to enable it to form an opinion on the general state of pollution of the environment. SEPA regularly publishes and promotes a wide range of information about Scotland's environment, covering the quality of air, land and water environment's, climate change, waste and radioactivity. In addition, the SG and other partners including the Forestry Commission and Scottish Natural heritage publish a number of reports which include indicators of environmental performance. SEPA has in the past published State of Scotland's environment reports, the most recent of which was published in 2006. The SG are currently considering with SEPA and other partners the future strategy for approaching this publication and will agree an approach by Spring 2010. Other information is published 'live' online, for example, the results of annual bathing water sampling programmes: http://www.sepa.org.uk/scotlands_environment/data_and_reports_/water/bathing_waters.aspx. The quality of environmental information made available by SEPA is checked under ISO 9001 and 14001 and UKAS standards for its monitoring and laboratory data.

8.4 What mechanisms are used to publicize these reports?

SEPA publishes its reports and distributes them widely. They can be found on the SEPA website at:

http://www.sepa.org.uk/scotlands_environment/data_and_reports/state_of_the_environment.aspx. Reports, publications and online datasets are publicised via a range of communications methods including news releases, which can be found at: http://www.spea.org.uk/about_us/news.aspx and via targeted events, for example, the 2006 State of Scotland's Environment report was also publicised through a major launch conference.

8.5 Do you have any other observations relating to the practical application of Article 7?

No comment.

9. Quality of environmental information (Article 8)

9.1. What are the measures taken to ensure that any information that is compiled by public authorities or on their behalf is up to date, accurate and comparable?

Under regulation 5(4) of EISRs, each public authority must ensure that, so far as practicable, such information is up to date, accurate and comparable.

9.2 To ensure that information is comprehensible, accurate and comparable, the method used in compiling the information is important. Have you received any request about the method used? Please give any other information you consider useful.

We do not hold any information on the experience of authorities in handling requests for information about the methods used in compiling environmental information. We agree that the methods used in compiling environmental information can be important and that contextual information should (as appropriate) be made available to explain how the information has been gathered and collated.

9.3 Do you have any other observations relating to the practical application of Article 8?

No comment.

10. Statistics

Where statistical data has been collected on the items below, it would be useful to forward this data to the Commission.

- Number of requests made.

- Areas to which the requests for information relate.
- Percentage of requests handled within the one-month period and those within the extended term.
- Percentage of requests accepted/refused; in the case of refusal, please give a breakdown by exemption cited in support of the refusal.
- Number of procedures introduced according to Article 6.1 and 6.2 of the Directive; average duration and average cost of the procedures; percentage failures and successes at the end of the procedures.

The SG only holds data on our own requests. We have no data on requests made to other Scottish public authorities. The following data relates to 'non-routine' requests received by us in the calendar year 2008. We do not record routine requests (e.g. those which are received by us regularly and easily dealt with, for example, asking for copies of publications or for general information about the SG) and so the data presented is not fully comprehensive.

SG statistical data from 1 January to 31 December 2008

- Number of requests made: 40 ;
- Areas to which the requests for information relate: **see table attached;**
- Percentage of requests:
 - handled within the one-month period: 70% ;
 - those within the extended term: 22.5% ;
- Percentage of requests accepted/refused: **accepted 30% ; refused 22.5% ; part accepted/part refused 37.5% ; withdrawn or still ongoing 10% ;**
- in the case of refusal, please give a breakdown by exemption cited in support of the refusal: **see table attached;**
- Number of procedures introduced according to Article 6.1 and 6.2 of the Directive: **Article 6.1 (internal review) 6 Article 6.2 (Appeal to SIC) 3;**
 - average duration and average cost of the procedures: **Article 6.1 (internal review) 17.3 working days; Article 6.2 (Appeal to SIC) 1 withdrawn, 1 decided and 1 in progress ; No information held on costs;**
 - percentage failures and successes at the end of the procedures: **Article 6.1 (internal review) – original decision upheld 66.5% , partially upheld 33.5% , still ongoing nil Article 6.2 (Appeal to SIC) – 33.3% withdrawn, 33.3% decided and 33.3% in progress .**

From 2009, the SG began publishing quarterly statistical bulletins on our handling of information requests (under both EISRs and FOISA – see <http://www.scotland.gov.uk/About/FOI/Reporting>). Prior to 2009 only Annual Reports are available.

We also note that in the period 2005 to 2008 the SIC received 1798 applications under FOISA and 143 applications under EISRs. The SIC considers that these figures over represent FOISA because of public authorities failing to appropriately recognise requests for environmental information. More recently awareness has improved. In 2008, 14% of the SICs decisions involved EISRs or joint EISRs/FOISA. The SIC considers that the 2008 figures more appropriately represent the level of requests for environmental information.

TABLE

Reference	Portfolio	Request Summary	Decision	Exception(s)	Response time
FoI/08/00029	Economy;	Information regarding planning application for wind farm development at Stacain, including from meetings between EU and SG on environmental legislation.	Refuse	28; 30(b)(i); 32;	Within 20 days
FoI/08/00036	Environment;	Info re pollution response emergency exercise in Firth of Forth on 3rd Oct 2007, part of Clearwater Forth response plan. Copy of any post-exercise evaluation reports or communications.	N/A	W5;	Withdrawn
FoI/08/00077	Economy;	Request copy of the Appropriate Assessments, the 'minded to refuse' letter of 25 Jan 08 and the letter issued to the Western Isles council enclosing the AA's on same date.	Release	N/A	Within 20 days
FoI/08/00079	Economy;	Request for a copy of the 'minded to refuse' letter sent to Lewis Wind Power on 25 Jan 08 and a copy of the Appropriate Assessments.	N/A	W1;	Withdrawn
FoI/08/00147	Environment;	Query relates to Land Management Contract Menu Scheme 2006, Option 15. Applicant wishes to be informed of the details to neighbouring farmer's footpath under the above scheme. Was it inspected or verified, and amount of subsidy received.	Partial Release	R10(3)11(2);	Within 40 days
FoI/08/00158	Education;	Request a copy of the letter sent by Lewis Wind Power to the Scottish Government, including any attachment or appendices, received on 15 February 2008.	Refuse	R10(5)(f);	Within 20 days

FoI/08/00191	Environment;	Letter received from Ledingham/Chalmers (Solicitors) trying to trace records of occupancy/use of farm (072/0037) over the period from 1982 to date. Want to know if possible to obtain copies of historic census returns for the farm.	Refuse	R10(4)(a);	Within 20 days
FoI/08/00323	Economy;	Mary Mulligan MSP has requested the contact details of landowners within her constituency (Linlithgow) that the Forth Replacement Crossing team will be writing to and visiting regarding environmental surveys.	Partial Release	R10(3)11(2);	Within 20 days
FoI/08/00402	Economy;	Gordonbush wind farm - request for all correspondence relating to the section 36 application from 13 March 2007 to 14 April 2008	Partial Release	R10(4)(d);R10(4)(e);R10(5)(e)	Within 20 days
FoI/08/00413	Economy;	EIR request for Gordonbush wind farm information and answers to questions on appropriate assessments of designated sites, habitat management plan, peat hydrology and road access.	Release	N/A	Within 20 days
FoI/08/00422	Environment;	List of dairy farms in Kirkcudbrightshire (parishes 490 to 512 inclusive) showing business name and postal address.	Release	N/A	Within 20 days
FoI/08/00565	Economy;	Information and reports sent from the Consents Unit to Scottish Ministers regarding the LWP proposal, any correspondence between any of the Consents Unit, SNH and EAU regarding LWP proposals and Correspondence between the Scottish Government and the EC	Partial Release	R10(4)(d);R10(4)(e);	Within 40 days
FoI/08/00566	Environment;	Request for agricultural status and farm code of 2 fields	Refuse	R10(4)(a);	Within 20 days
FoI/08/00585	Economy;	In relation to the Baillie Wind Farm Application - 1) Highland Council Responses, 2) the request to proceed further and instigate a PLI, and 3) information the Consents unit has prepared for the DPEA.	Release	N/A	Within 20 days
FoI/08/00596	Environment;	Plantings of Maris Piper potatoes in 2007 - name, address and postcode of farmer who planted each crop, location of planting (grid reference) and number of hectares planted. Test case from NFUS to investigate how PP1 information might be released.	Partial Release	R10(3)11(2);	Within 20 days

FoI/08/00599	Environment;	Correspondence between the Scottish Government and UK Govt, DEFRA, Scottish Water, SW Solutions, SEPA, SW agents/consultants, SW Solutions agents/consultants and appeal docs relating to CAR/L/1015528 and CAR/L/1000560 at Campbeltown Loch from 1/9/07.	Release	N/A	Within 20 days
FoI/08/00635	Environment;	copies of any other communications you have received from Lesley Ward, Ross Finnie and the Environment and Rural Development Department related to the City of Edinburgh Council's Water of Leith Flood Prevention Scheme 2003.	Partial Release	R10(4)(a);R10(4)(e);R10(5)(d)	Within 20 days
FoI/08/00730	Economy;	Release of previously withheld information relating to the Public Local Inquiry into the M74 Completion.	Refuse	R10(4)(e);R10(5)(d);	Within 20 days
FoI/08/00779	Economy; Environment;	Request for "the output of the Climate Change Policy team for the last three years, including all briefings and communications to Scottish ministers and MSPs regarding climate change".	Partial Release	R10(4)(d);R10(4)(e);	Within 40 days
FoI/08/00811	Education;	Copy of the study SKM produced on the growth of renewables in 2007 ("the grid renewables study") for the Scottish Government - which examined various scenarios for renewables capacity and effects on grid stability and security of supply.	Release	N/A	Within 20 days
FoI/08/00814	Environment;	Documentation and exchanges regarding the alleged and actual illegal dumping of waste on the West Side of the Loch.	Refuse	R10(4)(a);	Within 20 days
FoI/08/00820	Environment;	Information relating to returns to (a) Scottish Government (b) Defra (c) European Commission, on Campbeltown, and waste water provision in Scotland since 2002.	Release	N/A	Within 20 days

FoI/08/00829	Environment;	Copies of all the correspondence, emails, reports and any other information in relation to CAR application reference numbers.	Partial Release	R10(4)(e);	Within 20 days
FoI/08/00858	Education;	Communications between SG, NATS and Airtricity about aviation radar - specifically information that supports the suspensive conditions to have a specified solution deliverable within a time period.	Partial Release	R10(4)(d);	Within 20 days
FoI/08/00861	Environment;	Over the last five months how many protected mammals and raptors have been inspected/analysed by SASA? Information on causes of deaths in these animals is also requested.	Release	N/A	Within 40 days
FoI/08/00881	Environment;	Data on golden plover breeding (numbers and locations) as submitted to Farr Windfarm Monitoring Group, of which Ian Bainbridge, Scottish Government, is chair.	Refuse	R10(4)(a);	Within 20 days
FoI/08/00888	Environment;	RPID-Copy of relevant consultation documents that took place between SG representatives & Western Isles Islands Council, Scottish National Heritage, SEPA and the Fisheries research Council concerning the repair work to the shingle bank at Aird, Benbecula.	Release	N/A	Within 40 days
FoI/08/00914	Economy;	Provide all correspondence between Transport Scotland and Nestrans and Transport Scotland and the Scottish Government in establishing the Aberdeen Crossrail Link.	Partial Release	R10(4)(e);	Within 40 days
FoI/08/00943	Economy;	Release of all communications between Scottish Ministers and officials and Whitehall on new nuclear power stations in Scotland between 2003 and May 2007.	Release	N/A	Within 20 days
FoI/08/01025	Environment;	RPID - Details of bird poisoning in second quarter of 2008.	Partial Release	R10(5)(b);	Within 20 days

FoI/08/01056	Environment;	Further details of information already requested under earlier similar requests.	Refuse	R6(1)(b);R10(4)(b);R10(5)(d);	Within 20 days
FoI/08/01083	Economy;	Information on the proposed motorway junction at Bishopton	Release	N/A	Within 40 days
FoI/08/01109	Environment;	Request for copies of all documents relating to licences to shoot seals applied for or issued 2006, 2007, 2008.	Partial Release	R10(3)11(2);R10(5)(e);	Within 20 days
FoI/08/01123	Environment;	Request for all papers of the Fisheries (Electricity) Committee in consideration of the application for Invervar hydro scheme. The requester also asked for all papers relating to consideration of the application by the Tay District Salmon Fishery Board.	Refuse	R10(4)(a);R10(4)(e);R10(5)(e)	Within 40 days
FoI/08/01126	Economy;	Information supplied to the developer, the subsequent SNH advice and other relevant consultee responses in respect of the Gordonbush wind farm.	Partial Release	R10(4)(d);R10(4)(e);	Within 20 days
FoI/08/01168	Environment;	RPID - "details of every farmer, landowner or agricultural business in Scotland who in 2007 had financial penalties imposed under cross compliance (names of individual or business, the amount of fine and the reason that the fine was imposed.)	Partial Release	R10(5)(b);	Within 40 days
FoI/08/01169	Environment;	RPID - details of previous SMR 1 breach cases (Bassendean and Hopetoun Estate)	Partial Release	R10(3)11(2);R10(5)(d);	Within 20 days
FoI/08/01189	Economy;	Information on tidal and wave schemes planned to meet 2020 electricity generation targets.	Release	N/A	Within 20 days
FoI/08/01202	Economy;	Please provide me with papers and electronic communications on the subject of road and rail tunnels discussed by Transport Scotland and its predecessors since January 1997	N/A	N/A	Ongoing

FoI/08/01317	Environment	Information on Part B Deliberate Release of GMOs to the environment from January 2000 e.g. list of Part B consents, copies of monitoring reports, list of sites, copies of inspection reports, details of sites damaged etc.	N/A	N/A	Ongoing
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