



EIR Ref: 2017/070

7th December 2017

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 11th October 2017. As advised in our update letter to you of 8th November 2017, it was necessary to extend the deadline for responding to your request, due to the volume and complexity of the information requested.

To ensure compliance with the recommended statutory process for handling your request, we have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

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

“Q1) A copy of the camping permit system data headings, with all columns holding personal information obviously being redacted, but data for other headings including dates and numbers of bookings for each area along with feedback responses being supplied. In order to enable the data to be properly analysed I request you include all identification codes assigned to people booking by the LLTNPA under the system and supply this in Excel Format. (The information provided to me in June was in pdf format and supplied as two separate files which made it impossible to cross-reference or analyse properly).”

The camping permit system data headings are attached in Appendix A in Excel format. This includes all identification codes assigned to people making these bookings. The second tab on this spreadsheet lists the data headings for the camping permit system. Column headings which contain personal information are highlighted in red. The contents of these columns have been withheld from release in accordance with Regulation 11(2) of the EIRs and the second and sixth Data Protection Principles.

The release of this information would contravene the second and sixth Data Protection Principles as it was gathered for one specific purpose and has been processed in accordance with the rights of the individuals who have provided their contact details. Therefore the disclosure of this information, which is not the personal data of the requester, would contravene the Data Protection

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Act 1998. This means that there is no requirement to consider the public interest in the disclosure of this information.

All visitors who made a booking were invited to provide feedback after their visit. This information was recorded separately from the permit booking records. Quantitative feedback responses are attached in Appendix B in Excel format. Please note that some information has been withheld, specifically the individual comments from visitors in response to the questions:

- *“you can provide more detail to your answer here if necessary”*
- *“If you could improve anything about your experience of either buying camping/motorhome permit or staying in a permit area what would it be?”*

The responses to these questions have been withheld from release under R10(5)(f) of the EIR as the individuals who provided their information were not and could not have been put under any legal obligation to supply the information and did not supply it in circumstances such that it could apart from these Regulations be made available and have not consented to its disclosure.

In addition, the responses to the following feedback question have been withheld from release:

- *“If you would be happy for us to contact you to discuss your answers in more detail, or to provide feedback on any ideas you suggested, please leave your contact details here.”*

The responses to this question have been withheld from release under R11 of the EIRs as this information is personal data of which the requester is not the data subject.

An explanation of the reasons for use of these exceptions with the application of the public interest test is provided as follows:

R10(5)(f) – the requested information was not supplied in circumstances that it could be made available, the individuals who provided the information were not and could not have been put under any legal obligation to supply the information and they have not consented to its disclosure

The Park Authority sought feedback from visitors who made a permit booking as part of their monitoring of the impact of the introduction of the new camping management zones. Some of the quantitative data from this feedback has been used in updates to the Board, however while visitors were made aware that their feedback would be used to improve visitor experience in using the permit system, visitors who provided this feedback on a voluntary basis would not have expected that the full detail of their responses to these questions would be made public.

The Park Authority is required to apply the public interest test which involves consideration of both the harmful and the beneficial consequences of disclosure of the requested information.

There has been public and media interest in the introduction of the camping management byelaws. The benefits of disclosure would be to make public the full range of opinions expressed by visitors who bought permits during the first season of implementation of this service.

However the harmful consequences of disclosure would be the impact on individuals who have chosen to provide personal feedback on their experience of using the permit system, and they would not have expected the full details of their comments to be made public. Release of this information could deter visitors from providing honest feedback next season, which we are proactively gathering to use as part of our monitoring and analysis of the camping management zones and byelaws. This feedback was provided on a voluntary basis and the individuals providing the feedback have not consented to its disclosure.

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While it is recognised that there is public interest in the implementation of the camping management zones, it has been concluded that there is a greater public interest in using the qualitative data gathered from this feedback question to make improvements to the service provided, rather than to release information into the public domain for which there has been no consent given by the individuals who provided this feedback on a voluntary basis.

R11 – the requested information comprises the personal data of which the applicant is not the data subject

The personal contact details provided by visitors who completed the feedback survey are the person details of third party individuals. This information was recorded for the purpose of the Park Authority having further discussion with individuals on their camping experience.

The release of this information would contravene the second and sixth Data Protection Principles as it was gathered for one specific purpose and has been processed in accordance with the rights of the individuals who have provided their contact details. Therefore the disclosure of this information, which is not the personal data of the requester, would contravene the Data Protection Act 1998. This means that there is no requirement to consider the public interest in the disclosure of this information.

“Q2) A copy of the Loch Chon booking system data headings, with all columns holding personal information obviously being redacted, but data for other headings including dates and numbers of bookings for each pitch along with feedback responses being supplied. In order to enable the data to be properly analysed I request you include all identification codes assigned to people booking by the LLTNPA under the system and supply this in Excel Format.”

The Loch Chon booking system data headings are attached in Appendix C in Excel format. This includes all identification codes assigned to people making these bookings. The second tab on this spreadsheet lists the data headings for the camping permit system. Column headings which contain personal information are highlighted in red. The contents of these columns have been withheld from release in accordance with Regulation 11(2) of the EIRs and the second and sixth Data Protection Principles.

The release of this information would contravene the second and sixth Data Protection Principles as it was gathered for one specific purpose and has been processed in accordance with the rights of the individuals who have provided their contact details. Therefore the disclosure of this information, which is not the personal data of the requester, would contravene the Data Protection Act 1998. This means that there is no requirement to consider the public interest in the disclosure of this information.

Quantitative feedback responses from visitors who made bookings to camp at Loch Chon are attached in Appendix D in Excel format. This information was recorded separately from the campsite booking records. Please note that some information has been withheld, specifically the individual comments from visitors in response to the questions:

- *“you can provide more detail to your answer here if necessary”*
- *“If you could improve anything about your experience of either buying camping/motorhome permit or staying in a permit area what would it be?”*

The responses to these questions have been withheld from release under R10(5)(f) of the EIR as the individuals who provided their information were not and could not have been put under any

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legal obligation to supply the information and did not supply it in circumstances such that it could apart from these Regulations be made available and have not consented to its disclosure.

The reasons for the application of this exception to the responses to the above questions in relation to camping bookings at Loch Chon and the application of the public interest test are same as those set out above for the responses to the same questions in the feedback survey for camping permit bookings.

Similarly, the answers given to the question below, in relation to camping bookings at Loch Chon have been withheld from release under R 11 of the EIRs, and the reasons for the application of this exception are the same as the reasons set out above for the answers to the same question in relation to camping permit bookings.

- *“If you would be happy for us to contact you to discuss your answers in more detail, or to provide feedback on any ideas you suggested, please leave your contact details here.”*

Q3) A copy of all ranger patrol records since the byelaws came into force on 1st March until 30th September. I would request this is on an Excel spreadsheet rather than as a PDF.

This information has been withheld from release under R10(4) (e) of the EIRs as the request involves making available internal communications.

This information has also been withheld from release under R 20(5)(b) and 10(5)(g) of the EIRs as the disclosure of this information would or would be likely to prejudice substantially the course of justice, the ability of the public authority to conduct an inquiry of a criminal nature and would also adversely affect the protection of the environment to which the information relates.

An explanation of the reasons for use of these exceptions with the application of the public interest test is provided as follows:

R10(4)(3) – the request involves making available internal communications

Park Authority Rangers undertake regular patrols across the National Park, recording a variety of data. This is logged and used by Ranger Team Leaders and the Ranger Service Manager for the purpose of allocating effective resources for patrols. We are aware that ranger patrol data was released to you in a previous response in 2015, however every information request is considered on a case by case basis, and since the introduction of the new camping management byelaws on 1st March 2017, this patrol data now serves the additional purpose of being operational intelligence that may be used as evidence, should the Authority decide to report an infringement of the byelaws to the Crown office.

The Park Authority is required to apply the public interest test which involves consideration of both the harmful and the beneficial consequences of disclosure of the requested information.

The benefits of disclosure would be public reassurance of the scale and frequency of patrols undertaken by the Ranger service. These patrols are highly visible and the Rangers actively engage with the public to provide information and assistance on everything from where best to camp, to practical assistance should visitors need any specific practical support during their visit to the Park.

However the harmful consequences of releasing the requested information in whole or in part are that by releasing the dates and locations of all ranger patrols, this may prejudice the ability of Rangers to conduct effective patrols. While the key purpose of the Rangers in engaging with the public is to provide information and assistance, they now also have a role in gathering evidence

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that may be used, should it be necessary as a last resort, to submit a report to the Crown office of an infringement the byelaws. The Ranger patrol data now has the important function of evidence that may assist in pursuing such action.

Having considered the harm and benefits of disclosure of ranger patrol records, it has been concluded that the potential public benefit of reassurance that regular ranger patrols are taking place, is outweighed by the greater public interest in this information being withheld and used to assist in the effective enforcement of the camping management byelaws.

R 20(5)(b) - the disclosure of this information would or would be likely to prejudice substantially the course of justice, and the ability of the public authority to conduct an inquiry of a criminal nature

The benefits of disclosure would be evidence of the scale and frequency of ranger patrols undertaken across the National Park, and details of the evidence being gathered by the rangers of potential byelaw infringements. We are aware that some individuals have concerns about the camping management byelaws, and the release of this information may provide a positive contribution in showing the work being done by the Rangers and provide evidence of their active engagement with visitors.

The harmful consequences of disclosure would be in making public operational details of patrols, which show where Rangers are being deployed, making them more at risk of confrontation from members of the public who are opposed to the work they are doing, if details of the dates and locations of patrols are in the public domain. In addition the release of this information would adversely impact the ability of the Park Authority to submit evidence that would be admissible in court, should there be a requirement as a last resort, to submit reports to the Crown office of infringements of the new byelaws.

Having considered the harm and benefits of the disclosure of ranger patrol records, it has been concluded that the potential benefit of adding to public debate on the introduction of the camping management byelaws is outweighed by the greater public interest in the retention of this information to assist in the effective enforcement of the byelaws.

R 10(5)(g) – the disclosure of the requested information would adversely affect the protection of the environment to which the information relates.

The benefit in the release of this information would be the public reassurance that the Authority is taking practical steps to conserve and protect the National Park, which is one of the key aims of the Park Authority, as set out in the National Parks (Scotland) Act 2000. There is provision in this legislation for the introduction of byelaws for the purposes of preventing damage to the land.

The harmful consequences of disclosure of this information would be in the release of operational records which are recorded in part, to assist in the effective enforcement of the byelaws.

Having considered the harm and benefits of the disclosure of this Information, it has been concluded that the release of this information to show the steps taken by the Authority to protect the environment is outweighed by the greater public interest in withholding the ranger patrol records, to enable the Park Authority to use this information as evidence to support the effective enforcement of the byelaws, as part of measures to protect the environment of the National Park.

Yours sincerely

Governance & Legal Team

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Appendices available on request

Review Procedure

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

- Lodge a written request for a review 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 Environmental Information (Scotland) Regulations 2004, whichever is the later.
- Include your name, address for correspondence, a description of the original request, and the reasons why you are dissatisfied; and

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

Please note that links provided to information available elsewhere are intended to assist you. Requests for information held by other public authorities, and any complaints regarding access to such information should be addressed to that authority. These review procedures relate only to information which is directly under the control of Loch Lomond & The Trossachs National Park Authority.

The review of your request 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 Environmental Information (Scotland) Regulations 2004, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01344 464 610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info
Online appeal portal: www.itspublicknowledge.info/Appeal

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