EIR REVIEW Ref: 2017-043

14th August 2017

REQUEST FOR REVIEW OF DECISION UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (the "Regulations")

Loch Lomond & The Trossachs National Park Authority received your request for review on 15th July 2017 relating to your request for information about Integrated Land Management Plans (ILMPs) within the National Park.

Basis of Request for Review

I note that you consider that the decision to withhold information under S10(5)(e) of the Regulations was not correct. This is because you believe that the ILMP documents which you have requested should be released as they are not commercially sensitive.

Assessment of Relevant Information

I have reviewed the original response, the exemption and exception applied and the reasons given. I also reviewed a number of ILMPs to establish what information is contained within them.

Decision

Having reviewed the ILMPs it is clear that there is commercially sensitive information throughout the documents, such information is not discretely held within one part of the document. The plans also contain copies of reports provided by third party consultants on the viability of businesses and future plans. Furthermore, the ILMPs have been put together with businesses within the National Park on the understanding that this information is not shared publically. Therefore an implied duty of confidence exists in order to protect a legitimate economic interest from being harmed by the release of the information.

Having reviewed the information held, the exceptions applied and the justification in terms of the public interest for withholding these plans from release I have upheld the original decision not to release them.

Review Procedure

If you are not satisfied 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 your appeal within six months of the date of receipt of this letter.

Scottish Information Commissioner
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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

Yours sincerely,

Governance and Legal Manager
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