



EIR Ref: 2017/077

17th January 2018

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by the Park Authority on 21st November 2017, and your subsequent clarification of 14th December 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.

We have carefully considered the additional points you made in your email of 14th December 2017, clarifying your request. We understand that you are asking for a list of research or other reports that have been completed by external parties, for which they have been paid a fee by the Park Authority, as distinct from reports that other organisations have shared with us for information.

We therefore understand that you are looking for a list of any work that has been commissioned by the Park Authority in the last five years from an external organisation, for which we have paid a fee and in return we have received a finished document such as the KSB litter audit, or a completed report.

We have previously explained that it is not possible to effectively identify a list of externally commissioned work through electronic searches of our files. Further advice was sought from our Procurement Manager, who advised that there is a research budget code. Searches were run on our financial records using this code. The results of this search however produced a large list of payments covering teams across the Park Authority, and the terms used to record these payments do not show if the fees paid were for work that would have resulted in research or other document.

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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Page 1 of 3

We note your reference to the information published by SNH, however, we do not have a comparable list of commissioned research. We are, however, keen to ensure that as much information as possible is published on our website so we will ask Managers to consider this when updating our publication scheme. . For the purposes of handling this information request, we are not required to create new information in response to an information request, therefore I have to advise that such a list is not held. The Procurement Manager has also advised that he is unaware of any audit requirement to keep lists of reports which have been commissioned, completed and paid for. Accordingly I have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

In your clarification of 14th December 2017, you also asked for:

“any research or other such commissioned work that is unpublished or waiting completion.”

We have to advise that this part of your request is too general in its current form for us to identify relevant information. Accordingly we have to advise under Regulation 10(4)(c) of the EIRs that your request for information is formulated in too general a manner.

We have previously complied with our requirement to offer advice and assistance to you under Regulation 9 of the EIRs, in our clarification letter of 14th December 2017, where we suggested that you look at the organisational update papers that are submitted to our Board, which provide ongoing details of projects we are involved in. Each area of the Park Authority contributes information about their specific area, including work with external parties.

These papers can be found on our website at: <http://www.lochlomond-trossachs.org/park-authority/our-board-committees/meetings/>. If there is a particular type of research that you are interested in, this would allow us to carry out a more specific searches of our records.

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:

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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

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.

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
E-mail: enquiries@itspublicknowledge.info
Online appeal portal: www.itspublicknowledge.info/Appeal

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