

redacted 11(2)

Your ref:

Our ref:  
FOI/18/02987

Date: 24 October  
2018

Dear <sup>redacted 11(2)</sup>

Thank you for your letter dated 21 October 2018 responding to my letter asking you to clarify your request under the Environmental Information (Scotland) Regulations 2004 (EIRs) for information on road maintenance figures in the Highlands.

Unfortunately, your letter does not provide the clarification I requested in my letter of 18 October because you have not confirmed which trunk roads you would like the figures for.

Under the exception at regulation 10(4)(c) of the EIRs, we may refuse your request if it is formulated in too general a manner; we have asked you to clarify your request; and have given you advice to assist you to provide that clarification. So in these circumstances, we are now refusing your request under regulation 10(4)(c). Figures for Trunk Road maintenance up to 2017 are available at;

<http://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5W-09028&ResultsPerPage=10>

As the exception is conditional we have applied the 'public interest test'. This means we have, in all the circumstances of this case, considered if the public interest in disclosing information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in information about trunk road maintenance this is outweighed by the public interest in ensuring the efficient and effective use of public resources. It would not be a good use of our limited resources to guess what information you require and to then spend time locating, retrieving and providing information which may not be what you are actually looking for.

However, if you wish to submit a new request which more clearly describes the information you are looking for, we would be able to consider your request and respond in accordance with the EIRs. If you need any further advice and assistance to rephrase your request, please contact me. You may also find it helpful to look at the Scottish Information Commissioner's 'Tips for requesting information under FOI and the EIRs' on his website at:

<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>.

### Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to Roy Brannen, Chief Executive at the above address or alternatively email [chiefexecutive@transport.gov.scot](mailto:chiefexecutive@transport.gov.scot) Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:  
<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely,  
redacted 11(2)