

From: [Redacted] (MARLAB)

Sent: 20 September 2018 10:19

To: [Redacted]@gov.scot>

Subject: RE: For Information - Response to Fol/18/02235 - photographs of diseased farmed salmon

Thank you [Redacted]

From: [Redacted] **On Behalf Of** Cabinet Secretary for the Environment, Climate Change and Land Reform

Sent: 19 September 2018 17:56

To: [Redacted]@gov.scot>; Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>

Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform

<CabSecECCLR@gov.scot>; Minister for Rural Affairs and the Natural Environment

<MinisterRANE@gov.scot>; Higgins K (Kate) <Kate.Higgins@gov.scot>; Director of Marine Scotland

Mailbox <Directormarinescotland@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>;

[Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>;

[Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>;

[Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>;

[Redacted]@gov.scot>; Fol SpAds PO <Fol.SpAdsPO@gov.scot>

Subject: RE: For Information - Response to Fol/18/02235 - photographs of diseased farmed salmon

[Redacted]

Ms Cunningham has noted for her interests.

Thanks.

[Redacted]

[Redacted]@gov.scot | [Redacted] | Tel: 0131 244 [Redacted]

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From: Purvis N (Neil) (MARLAB)

Sent: 18 September 2018 15:33

To: : [Redacted]@gov.scot>; Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>

Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform

<CabSecECCLR@gov.scot>; Minister for Rural Affairs and the Natural Environment

<MinisterRANE@gov.scot>; Higgins K (Kate) <Kate.Higgins@gov.scot>; Director of Marine Scotland

Mailbox <Directormarinescotland@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>;

[Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>;

[Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>;

[Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>;

[Redacted]@gov.scot>; Fol SpAds PO <Fol.SpAdsPO@gov.scot><Fol.SpAdsPO@gov.scot>

Subject: For Information - Response to Fol/18/02235 - photographs of diseased farmed salmon

PS Cabinet Secretary for Rural Economy and Connectivity

Please be aware of the attached response to an FoI request (Fol/18/02235) concerning photographs of diseased farmed salmon relating to fish farm sites operated by Scottish Sea Farms which will be released tomorrow – Wednesday 19 September.

The minister will be aware of previous FoI requests concerning the release and publication of similar images (Fol/18/01141; Fol/18/01869 and Fol/18/01782). This further request from [Redacted] relates to Scottish Sea Farms only and involves the release of some 34 photographs relating to 9 fish farm inspections conducted by the Fish Health Inspectorate between 1 January 2013 and 31 December 2015. This response is consequent to previous requests which the SpAds and Ministers have approved.

The photographs can be accessed through the following web link:

<https://www.dropbox.com/sh/tcuk52i6qrpw59/AABpH6fWZlodht51xTVSJxCXa?dl=0>

Lines developed for the original enquiry remain valid in the event of further enquiries.

Best regards,

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101 | 375, Victoria Road | Aberdeen AB11 9DB

marinescotland



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: +44 (0)131 244 2500 F: +44 (0)1224 295511
marinescotland@gov.scot

[Redacted] by email
Scottish Salmon Watch

Our ref: Fol/18/02235

19 September 2018

Dear [Redacted]

Thank you for your request dated 21 August 2018 under the Environmental Information (Scotland) Regulations 2004 (the EIRs).

Your request

You asked for copies of all photos held on file relating to Scottish Sea Farms since 2013.

Response to your request

For your information, I have interpreted this request in accordance with previous requests for photographs, most notably Fol/18/01141 in which we agreed that the scope related to photographs of diseased farmed salmon where the same had been assigned to or were associated with inspections conducted by Marine Scotland's Fish Health Inspectorate.

As you will be aware, photographs relating to the scope detailed above and to Scottish Sea Farms (where such photographs exist) have already been provided to you for the period 1 January 2016 to 28 July 2018 through Fol/18/01141, Fol/18/01869 and Fol/18/01782. I can confirm that we hold no further photographs of diseased farmed salmon relating to Scottish Sea Farms for the period 29 July to 21 August 2018. Therefore the response to this Fol request covers the time period from 1 January 2013 to 31 December 2015.

It is essential that these images are viewed in line with the following context:

The images should be viewed in association with the case inspection notes – available at <http://www.gov.scot/Topics/marine/Fish-Shellfish/FHI/CaseInformation> which provide additional context to the population of fish stocked on site at the point of inspection, as well as the findings and observations from the inspection and any sampling undertaken.

The Fish Health Inspectorate's (FHI) mission is to support the Scottish Government's vision of a sustainable, growing and diverse aquaculture industry whilst maintaining the high health status of farmed and wild fish and shellfish stocks in Scotland by preventing the introduction and spread of listed and emerging diseases. The FHI do this by undertaking statutory inspection and sampling programmes, providing advice to stakeholders and implementing regulatory functions in accordance with the current aquaculture and aquatic animal health regulations.

The attached images have been identified as within the scope of this request.

The majority show fish which have been removed and euthanised for post mortem analysis and investigative testing by the FHI.

Photographs are taken as they are a useful tool in the analytical process and it is important to view these photographs in context. The photographs attached have

been taken as part of the Fish Health Inspectorate's risk based surveillance programme, which involved 160 inspections relating to fish farms in 2017.

In the wild, the reproductive strategy of fish, particularly salmon, is to produce a large number of offspring with the aim that a proportion will survive to adulthood. Fish are subject to a number of pressures in the environment, particularly naturally present pathogens and other environmental parameters, with farmed fish being no exception. It can therefore be expected that some fish will experience challenges to good health. Those fish which have been removed by the FHI represent a very small proportion of the total number of fish on an aquaculture site (for example 5 fish from sites holding between 250,000 to 1.8 million fish). The images attached do not present any human health concerns and are not a representation of the entire fish population on site.

In many cases these actions have been undertaken in support of on-going investigations which were being conducted by the farm veterinarian and in-house animal health professionals.

The photographs are labelled with case number and site name and can be accessed through the following weblink:

<https://www.dropbox.com/sh/tcuk52i6qrpuw59/AABpH6fWZlodht51xTVSJxCXa?dl=0>

Responses to FoI requests are published on the Scottish Government website. Additional information relevant to this request has been published here:

<https://beta.gov.scot/publications/>

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:

Graham Black
Director Marine Scotland
Scottish Government
Area 1B South
Victoria Quay
Edinburgh
EH6 6QQ

Email: directormarinescotland@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]

From: [Redacted]@gov.scot>

Sent: 19 September 2018 10:06

To: [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>

Subject: RE: Information publication and retention

Hi [Redacted],

I think the reasoning in the response to [Redacted] of Cameron McKenna solicitors operating on behalf of The Scottish Salmon Company (attached) had established that the information gathered during our inspections is retained to primarily demonstrate that the legislation is implemented effectively, should we be subject to audit by the Commission or internally. There may be a question on how long this should be retained but this would depend on the timeframe that an audit would require information from.

Cheers

[Redacted]

From: [Redacted] (MARLAB)

Sent: 19 September 2018 08:40

To: [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>

Subject: RE: Information publication and retention

All

Could someone let me know what is the question on validity of retention of photos with respect to GDPR. I thought this had all been looked into?

The point is taken regarding the need to progress with the sea lice and mort reporting that FHI hold. This can be progressed as I thought we had agreed to publish this having established that this is not data for scientific purposes but leads the FHI in their work.

Progressing the wider policy on retention is important and urgent – hence the meeting.

Regards

[Redacted]

-----Original Appointment-----

From: [Redacted] **On Behalf Of** [Redacted] (MARLAB)

Sent: 18 September 2018 15:59

To: [Redacted] Sent to SG staff

Subject: FW: Information publication and retention

When: 05 October 2018 14:30-15:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Marine Lab TBC

Hi [Redacted]

I will be at the ASSG conference so can't make this meeting date. I was pressed by Kate Higgins today regarding publication of sea lice and mortality information. I am aware that [Redacted] has another sea lice information request from [Redacted]. It would be good if we can get the sea lice and mortality publication plan in order before this FoI is due? We really need to get this off the ground as quickly as possible now. Not least because the FFHWG will meet soon and the industry have met their publication actions.

More widely I think it would be worth inviting someone from the Data Protection and Information Assets team with regards to advice on GDPR (if applicable). There remains a question over the validity of us retaining photographs. We know we can take them and they are useful for diagnostics. But when the case is closed and there is no chance of a listed disease/ enforcement action becoming necessary, what is the purpose of keeping them. If we are moving to position which includes the publication of the photos I think we need to have to an a4 summary which reasons our position for Ministers OR gives them the choice where we go with this. We need to be sure that it is within our right to retain case information for eternity { by being published online}

I don't have a particular contact but the team has an inbox dpa@gov.scot

Cheers

[Redacted]

-----Original Appointment-----

From: [Redacted] (MARLAB)

Sent: 18 September 2018 10:20

To: [Redacted] Sent to SG staff

Subject: Information publication and retention

When: 05 October 2018 14:30-15:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Marine Lab TBC

All – new date due to clash with other appointments. [Redacted]

The aim of this meeting is to develop a plan that will deliver the protocols we want for the retention and proactive publication of information that is generated by the FHI surveillance and inspections.

The plan will be completed after the meeting.

We will project manage against the plan to achieve what is required.

I've used the scheduling assist to try and find a time that suits most and apologies for any clashes that prevent attendance as it was difficult to find a time that suited everyone. If this develops into a project then I can schedule to enable everyone to attend.

[Redacted] – please invite others you think should attend from your side.

Regards

[Redacted]

From: [Redacted]@gov.scot>
Sent: 12 September 2018 14:29
To: [Redacted]@gov.scot>; [Redacted]@gov.scot>
Subject: RE: Outstanding Fol requests

Hi both

Yes, that's right [Redacted] – we did release 2016 photos in response to Fol/18/01782, so it's photos from SSF inspections 2013-2015.

[Redacted]

From: [Redacted] (MARLAB)
Sent: 11 September 2018 22:13
To: [Redacted]@gov.scot>
Cc: [Redacted]@gov.scot>
Subject: FW: Outstanding Fol requests

Hi [Redacted],

Wondering if you could do me a favour, if you are not too busy!

Fol/18/02235 (attached) for photographs relating to SSF inspections since 2013 is due on Wednesday next week. If you had any time this week would you (or others if available) be able to look out any photographs relating to SSF cases from 2013 to end of 2015? [Redacted] – I think we have released general photos back until the beginning of 2016 – Fol/18/01782.

As per previous requests I would restrict this to pictures associated with diagnostic cases though as [Redacted] is now requesting (through other requests) pictures of other fish species (e.g. cleaner fish) I would consider this beyond just farmed salmon. Hope this is clear but can give you a call tomorrow.

Many thanks [Redacted], I appreciate your help with this.

[Redacted]

From: [Redacted] (MARLAB)
Sent: 11 September 2018 09:12
To: [Redacted]@gov.scot>
Subject: RE: Outstanding Fol requests

Hi [Redacted]

No problem, I'll transfer these to you so that will make things easier too. We have:

- Fol/18/02235 – copies of photos relating to SSF inspections since 2013 (up until the most recent photos we've released obviously – 2017?) – due **19 September**.
- Fol/18/02273 - information relating to the side effects of vaccines used on salmon farms since 1 January 2015 – due **24 September**

- Fol/18/02310 – photos of lumpsuckers, wrasse and other cleaner fish since 2017 – due **25 September**.

All from [Redacted].

[Redacted] – Out of scope

[Redacted]

From: [Redacted] (MARLAB)

Sent: 10 September 2018 23:25

To: [Redacted]@gov.scot>

Subject: Outstanding Fol requests

Hi [Redacted]

Away with work this week and trying to get on the Fol tracker but failing – could you remind me of the outstanding requests I have to action?

Sorry.

Thanks

[Redacted]

From: [Redacted] (MARLAB)
Sent: 18 September 2018 12:45
To: [Redacted]@cms-cmno.com>
Cc: [Redacted]@cms-cmno.com>
Subject: RE: FoI/18/01782 - FoI request - photographs [CMCK-UK.FID13438907]

Dear [Redacted]

In response to your email of 1 August 2018 and our continued communications on this issue, please find my response attached. I do apologise for the delay in sending this to you.

I look forward to any reply you may have on behalf of your client regarding the same.

Kind regards,
[Redacted]

From: [Redacted]@cms-cmno.com>
Sent: 06 September 2018 13:34
To: [Redacted]@gov.scot>
Cc: [Redacted]@cms-cmno.com>
Subject: RE: FoI/18/01782 - FoI request - photographs [CMCK-UK.FID13438907]

Dear [Redacted]

Thank you for confirming – I look forward to hearing from you.

Kind regards

[Redacted]

Senior Associate

T +44 131 200 [Redacted]
M +44 [Redacted]
F +44 131 228 8888
E [Redacted]@cms-cmno.com



CMS Cameron McKenna Nabarro Olswang LLP | Saltire Court, 20 Castle Terrace | Edinburgh EH1 2EN | United Kingdom

cms.law
cms-lawnow.com

From: [Redacted]@gov.scot>
Sent: 06 September 2018 13:29
To: [Redacted]@cms-cmno.com>
Cc: [Redacted]@cms-cmno.com>
Subject: RE: FoI/18/01782 - FoI request - photographs [CMCK-UK.FID13438907]

Dear [Redacted]

Thank you for your email.

I have not forgotten about this and I'm in discussions with colleagues concerning the same.

I'm also in the process of replying to your communication from 1 August 2018, so will be contact with you on both counts very shortly.

I do apologise for the delay in getting back to you on this.

Kind regards,

[Redacted]

From: [Redacted]<[\[Redacted\]@cms-cmno.com](mailto:[Redacted]@cms-cmno.com)>

Sent: 06 September 2018 13:14

To: [Redacted]<[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>

Cc: [Redacted]<[\[Redacted\]@cms-cmno.com](mailto:[Redacted]@cms-cmno.com)>

Subject: RE: Fol/18/01782 - Fol request - photographs [CMCK-UK.FID13438907]

Dear [Redacted]

We spoke previously about arranging a meeting between our clients Scottish Salmon Company, and Marine Scotland.

Are you able to confirm suitable dates?

Kind regards

[Redacted]

Senior Associate

T +44 131 200 [Redacted]

M +44 [Redacted]

F +44 131 228 8888

E [\[Redacted\]@cms-cmno.com](mailto:[Redacted]@cms-cmno.com)



CMS Cameron McKenna Nabarro Olswang LLP | Saltire Court, 20 Castle Terrace | Edinburgh EH1 2EN | United Kingdom

cms.law

cms-lawnow.com

From: [Redacted]@cms-cmno.com>

Sent: 01 August 2018 08:44

To: [Redacted]@gov.scot>

Cc: [Redacted]@cms-cmno.com>

Subject: RE: Fol/18/01782 - Fol request - photographs [CMCK-UK.FID13438907]

Dear [Redacted],

We are instructed on behalf of The Scottish Salmon Company (TSSC) to make representations opposing the release of further photographs.

This is an ongoing issue for TSSC due to the nature of the visits made by FHI to their sites and the nature of the information taken during those visits.

Our client considers that the FHI is not limiting itself to obtaining information for regulatory purposes under The Aquatic Animal Health (Scotland) Regulations 2009 during its visits to the sites. The legislative purpose of site visits is to obtain information to determine whether there is a risk of an outbreak of a notifiable disease. To assist with that role the inspectors are afforded powers under the Regulations to search and examine and seize items for the purposes of the administering of the regulations.

While it is accepted that the FHI has this regulatory function governed by legislation, the FHI also holds out its diagnostic service on its website as providing:

"a free diagnostic service to fish and shellfish farmers and other persons responsible for the care of fish, such as river keepers and ghillies, District Salmon Fishery Boards and Fishery Trusts."

As part of that diagnostic service FHI has been taking photographs of fish which are not affected by any notifiable disease and which do not relate to any offence under the legislation, reporting on those photographs and releasing those reports to the public.

Our client's practice had been to allow the taking of the photographs and other information which did not relate to enforcement or notifiable diseases on the grounds that it considered that information would be treated as confidential as part of the FHI's non-regulatory diagnostic service. It seems from the response received to our previous correspondence on the release of photographs that FHI is now asserting that the diagnostic services form part of the regulatory role. However we have not been provided with any basis for that assertion.

In taking photographs or any other information which does not relate to the administering of the regulations FHI exceeded its remit.

Our client is also concerned that the additional information that has been obtained in this way by FHI is now being released in a form which attributes it to the individual farms and sites. It is difficult to see why this is necessary or in the public interest in circumstances where the information in question (the photographs) do not exhibit breaches of regulation or notifiable diseases. Those photographs are used by campaign groups out of context as evidence against farms, where in fact they show that the farms are properly run and are assisting the authorities.

In our view, given the context provided by background detailed above, the FHI's responses to the various exceptions cited by the industry should be reconsidered. In particular:

1. Regulation 10(5)(e) – confidentiality/economic interests

As detailed above the photographs go beyond the information necessary for the FHI's role under the regulations. In that context more weight should be given to the legitimate interests of the parties affected by the release of the information. The photographs, and the attribution of the photographs to individual farms is not necessary

2. Regulation 10(5)(f) – obligation to release/interests of the industry

The response to this concern previously was a suggestion that the information in the photographs was not provided by the industry but instead obtained during the course of statutory inspections. We would submit that this ignores the fact that the industry has co-operated with the FHI in providing information that goes beyond that information required to discharge its statutory functions.

If the FHI is going to insist on the release of all information, whether necessary for the diagnosis of notifiable diseases or not, we expect that the industry will insist on a much more restrictive collection of information and samples when the FHI makes site visits. Our client has proposed that a meeting is set up with the FHI to discuss best practice for future visits given their ongoing concern about the lack of formality during visits and the extensive releases of information that have followed.

In all of the circumstances we would ask that no further releases are made in light of these exceptions and issues and that, if the FHI has any concern regarding whether or not to release this information in future, the decision is referred to the Information Commissioner.

Regards

[Redacted]
Senior Associate

T +44 131 200 [Redacted]
M +44 [Redacted]
F +44 131 228 8888
E [Redacted]@cms-cmno.com



CMS Cameron McKenna Nabarro Olswang LLP | Saltire Court, 20 Castle Terrace | Edinburgh EH1 2EN | United Kingdom

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cms-lawnow.com

From: [Redacted]@gov.scot
Sent: 26 July 2018 13:20
To: [Redacted]@scottishsalmon.com>
Cc: [Redacted]@scottishsalmon.com>
Subject: FW: Fol/18/01782 - Fol request - photographs

Dear [Redacted]

Further to my email of 13 July and the Fol request for:

- Copies of photos of Scottish farmed salmon and Scottish salmon farms during 2018 & 2016 (FoI/18/01782) – this is a follow up to the request for photos of diseased salmon (FoI/18/01141)

The attached Dropbox file contains photographs which relate to the following sites operated by The Scottish Salmon Company

<https://www.dropbox.com/sh/tk8iw5op1y915a6/AADAdjfF69uewV1W9gQdRYx0a?dl=0> - TSSC

2016-0098 – Sgian Dubh
2016-0444 – Trilleachan Mor
2016-0455 – Furnace Quarry
2016-0456 – Ardgadden
2016-0460 – Glenan Bay
2018-0078 – Tarbert South
2018-0113 – Meall Mhor Loch Fyne

It is our intention to release this information in response to the request . A response is due on 2 August next week.

If you have any additional information or evidence to support the application of exceptions in line with the regulations, and wish that this is brought to my attention, then please let me know by 31 July 2018. Please consider this in relation to previous discussions and my email to you on 15 June – attached for your reference.

Kind regards,

[Redacted]

Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

From: [Redacted] (MARLAB)

Sent: 13 July 2018 12:12

To: [Redacted]@marineharvest.com'; Jhesketh-laird@scottishsalmon.co.uk;
[\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@griegseafood.com](mailto:[Redacted]@griegseafood.com);
[\[Redacted\]@cookeaqua.com](mailto:[Redacted]@cookeaqua.com); [\[Redacted\]@marineharvest.com](mailto:[Redacted]@marineharvest.com); [\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com);
[\[Redacted\]@lochduart.com](mailto:[Redacted]@lochduart.com)

Cc: MS FishHealth (MS.FishHealth@gov.scot); [Redacted] – SG staff

Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon - Further FoI requests

Dear [Redacted]

Many thanks for your communication which I have received and will reply to in due course.

All

Please note that Marine Scotland has recently received several further FoI requests which we are in the process of dealing with. The areas they include cover:

- ? Copies of photos of Scottish farmed salmon and Scottish salmon farms during 2018 & 2016 – this is a follow up to the request for photos of diseased salmon

- ? Copies of photos of farmed salmon (dead and alive) following treatment with the Thermolicer, Hydrolicer, Optilicer and other mechanical treatments since 1 January 2016
- ? Information on the numbers of mortalities on salmon farms since 1 January 2018, including details of the mortality reporting thresholds
- ? Information on disposal of farmed salmon via landfill, incineration, bio-gas and other disposal methods since 1 January 2018
- ? Information on any reports (*made by the FHI*) to the Animal and Plant Health Agency in relation to farmed salmon
- ? Information on mortalities and diseases at smolt salmon farms (freshwater and marine) during 2018

We are in the process of identifying relevant information which we hold in relation to these requests. Where such information relates to your business interest then I will be in contact with you individually regarding the same.

In addition to the requests listed above we have also received a request under the Environmental Information (Scotland) Regulations 2004 (EIRs) for information relating to the publication of photos of diseased farmed salmon (Fol/18/01141) - including any correspondence (e.g. emails and letters) with salmon farming companies.

You have an interest in the information which has been requested because you were one of the companies consulted about release of these photographs, and your communication with us on this matter falls within the scope of the request. Therefore, I am writing to ask you for your views on whether this information should be disclosed, before we make a decision on the request. Please note that this consultation is a courtesy, not a statutory obligation, and you do not have a veto on disclosure of the information. Under the terms of the EIRs, the decision on whether or not to release the information is for the Scottish Government alone. However, we will take account of your views.

I should also explain that we can withhold information only if an exception under the EIRs applies to that information and the public interest in disclosure is not outweighed by the public interest in upholding the exception. You can find detailed information about the EIRs on our website at: <http://www.scotland.gov.uk/about/foi> or on the Scottish Information Commissioner's website at: <http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.asp>

In order to ensure that we meet our statutory duty to respond to the request within 20 working days of receiving it, I must ask for your views by 23 July.

Please be aware that I shall be out of the office next week but shall return on 23 July. If you wish for your communications to be considered before my return please copy them to our Duty Inspector through the Fish Health mailbox - MS.FishHealth@gov.scot

With best regards,

[Redacted]

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

From: [Redacted][@marineharvest.com](mailto:[Redacted]@marineharvest.com)]

Sent: 09 July 2018 09:35

To: [Redacted] (MARLAB)

Cc: Jhesketh-laird@scottishsalmon.co.uk; [Redacted] SG staff; [Redacted][@marineharvest.com](mailto:[Redacted]@marineharvest.com);
[\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@griegseafood.com](mailto:[Redacted]@griegseafood.com);
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[@marineharvest.com](mailto:[Redacted]@marineharvest.com); [Redacted][@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com); [\[Redacted\]@lochduart.com](mailto:[Redacted]@lochduart.com)

Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon

Dear [Redacted]

Please find attached letter from our director of communications, Ian Roberts, with regards to the FOI above.

Please could you include Ian on emails relating to this and any future FOI's.

Regards

[Redacted]

[Redacted]

MARINE HARVEST SCOTLAND LTD

MOBILE: [Redacted]

MAIL [\[Redacted\]@marineharvest.com](mailto:[Redacted]@marineharvest.com)

WEB: www.marineharvest.com

OFFICE: Stob Ban House
Glen Nevis Business Park
Fort William
PH33 6RX

From: [Redacted] (MARLAB)
Sent: 05 September 2018 18:30
To: [Redacted]@marineharvest.com>; [Redacted]@marineharvest.com
Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon

Dear [Redacted]

Please find attached reply to your letter of 9 July 2018.

I do apologise for the delay in sending this to you.

Kind regards,

[Redacted]

From: [Redacted]@marineharvest.com>
Sent: 09 July 2018 09:35
To: [Redacted] (MARLAB) [Redacted]@gov.scot>
Cc: Jhesketh-laird@scottishsalmon.co.uk; [Redacted] [Redacted]@gov.scot>; [Redacted] (MARLAB) <[Redacted]@gov.scot>; [Redacted] MARLAB) [Redacted]@gov.scot>; [Redacted]@marineharvest.com>; [Redacted]@scottishsalmon.com; [Redacted]@scottishsalmon.com; [Redacted]@griegseafood.com; [Redacted]@cookeaqua.com [Redacted]@marineharvest.com>; [Redacted] <[Redacted]@marineharvest.com>; [Redacted]@scottishseafarms.com; [Redacted]@lochduart.com
Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon

Dear [Redacted]

Please find attached letter from our director of communications, [Redacted], with regards to the FOI above.

Please could you include [Redacted] on emails relating to this and any future FOI's.

Regards

[Redacted]

MARINE HARVEST SCOTLAND LTD

MOBILE: [Redacted]
DIRECT: [Redacted]
MAIL: [\[Redacted\]@marineharvest.com](mailto:[Redacted]@marineharvest.com)
WEB: www.marineharvest.com

OFFICE: Stob Ban House
Glen Nevis Business Park
Fort William
PH33 6RX

From: [Redacted] (MARLAB)
Sent: 04 September 2018 16:31
To: 'Julie Hesketh-Laird' <jhesketh-laird@scottishsalmon.co.uk>
Cc: [Redacted]@scottishsalmon.co.uk>; [Redacted]@scottishsalmon.co.uk>; [Redacted]@scottishsalmon.co.uk>; [Redacted] (MARLAB) [Redacted]@gov.scot>
Subject: RE: Fol/18/01141 - Request for photographs of diseased salmon - Further Fol requests

Dear Julie

I wanted to inform you that our reply to the Fol request for information concerning the release of photographs of diseased farmed salmon was subject to a review as requested by the applicant. As part of that review process the application of redaction was considered and it was concluded that your name should be released (as had been our original intention) in connection with the documentation sent to you as referred in the email below.

Best regards,

[Redacted]

[Redacted]

Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB
[Redacted]
w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted] (MARLAB)
Sent: 13 August 2018 08:02
To: Julie Hesketh-Laird <jhesketh-laird@scottishsalmon.co.uk>
Cc: [Redacted]@scottishsalmon.co.uk>; [Redacted]@scottishsalmon.co.uk>; [Redacted]@scottishsalmon.co.uk>; [Redacted] (MARLAB) <[Redacted]@gov.scot>
Subject: RE: Fol/18/01141 - Request for photographs of diseased salmon - Further Fol requests

Good morning Julie

Thanks for letting me know.

We took a precautionary approach and redacted your name with the intention that the request was to be replied to late on Friday of last week. This did not happen but I suspect that the reply will be issued today.

Your right – job titles often identify individuals and in such circumstances we would redact this as well as the individuals name.

Best regards,
[Redacted]

[Redacted]

Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB
[Redacted]

[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>

From: Julie Hesketh-Laird [<mailto:jhesketh-laird@scottishsalmon.co.uk>]

Sent: 12 August 2018 22:24

To: [Redacted] (MARLAB)

Cc: [Redacted]; [Redacted]; [Redacted] cc to staff members of SSPO

Subject: FW: FoI/18/01141 - Request for photographs of diseased salmon - Further FoI requests

Importance: High

Dear [Redacted],

Thanks for letting me know. I am content for my name to remain in the correspondence. It should be obvious who the CEO of the SSPO is in any case.

Vest regards,

Julie

Julie Hesketh-Laird
Chief Executive
Scottish Salmon Producers' Organisation
Durn – Isla Road – Perth PH2 7HG
[Redacted]
jhesketh-laird@scottishsalmon.co.uk
www.scottishsalmon.co.uk

Twitter: @JulieHL

From: [Redacted]@gov.scot

Sent: 10 August 2018 14:11

To: Julie Hesketh-Laird <jhesketh-laird@scottishsalmon.co.uk>

Subject: FW: Fol/18/01141 - Request for photographs of diseased salmon - Further Fol requests

Importance: High

Dear Julie

Further to my email of 13 July and in relation to the request as follows:

for information relating to the publication of photos of diseased farmed salmon (Fol/18/01141) - including any correspondence (e.g. emails and letters) with salmon farming companies

I would like to draw you attention to the following communication which is proposed for release. The communication includes your name and email address. It is considered appropriate practice for the names of people in senior positions to be released and as the CEO of the SSPO this would apply. You will note that many other names of persons working in less senior positions have been redacted. If you wish for your name to be redacted in this instance then please let me know.

We are hoping to issue a response to this request later this afternoon hence I apologise for the very short notice.

Thanks

[Redacted]

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101 | 375, Victoria Road | Aberdeen AB11 9DB

[Redacted]

[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted] (MARLAB)

Sent: 13 July 2018 12:12

To: [Redacted]@marineharvest.com; [Redacted]@marineharvest.com'; Jhesketh-laird@scottishsalmon.co.uk; [\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@griegseafood.com](mailto:[Redacted]@griegseafood.com); [\[Redacted\]@cookeaqua.com](mailto:[Redacted]@cookeaqua.com); [Redacted]@marineharvest.com; [Redacted]@marineharvest.com; [Redacted]@marineharvest.com; [\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com); [\[Redacted\]@lochduart.com](mailto:[Redacted]@lochduart.com)

Cc: MS FishHealth (MS.FishHealth@gov.scot); [Redacted]@gov.scot; [Redacted] (MARLAB);

[Redacted] (MARLAB)

Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon - Further FoI requests

Dear [Redacted]

Many thanks for your communication which I have received and will reply to in due course.

All

Please note that Marine Scotland has recently received several further FoI requests which we are in the process of dealing with. The areas they include cover:

- Copies of photos of Scottish farmed salmon and Scottish salmon farms during 2018 & 2016 – this is a follow up to the request for photos of diseased salmon
- Copies of photos of farmed salmon (dead and alive) following treatment with the Thermolicer, Hydrolicer, Optilicer and other mechanical treatments since 1 January 2016
- Information on the numbers of mortalities on salmon farms since 1 January 2018, including details of the mortality reporting thresholds
- Information on disposal of farmed salmon via landfill, incineration, bio-gas and other disposal methods since 1 January 2018
- Information on any reports (*made by the FHI*) to the Animal and Plant Health Agency in relation to farmed salmon
- Information on mortalities and diseases at smolt salmon farms (freshwater and marine) during 2018

We are in the process of identifying relevant information which we hold in relation to these requests. Where such information relates to your business interest then I will be in contact with you individually regarding the same.

In addition to the requests listed above we have also received a request under the Environmental Information (Scotland) Regulations 2004 (EIRs) for information relating to the publication of photos

of diseased farmed salmon (FoI/18/01141) - including any correspondence (e.g. emails and letters) with salmon farming companies.

You have an interest in the information which has been requested because you were one of the companies consulted about release of these photographs, and your communication with us on this matter falls within the scope of the request. Therefore, I am writing to ask you for your views on whether this information should be disclosed, before we make a decision on the request. Please note that this consultation is a courtesy, not a statutory obligation, and you do not have a veto on disclosure of the information. Under the terms of the EIRs, the decision on whether or not to release the information is for the Scottish Government alone. However, we will take account of your views.

I should also explain that we can withhold information only if an exception under the EIRs applies to that information and the public interest in disclosure is not outweighed by the public interest in upholding the exception. You can find detailed information about the EIRs on our website at: <http://www.scotland.gov.uk/about/foi> or on the Scottish Information Commissioner's website at: <http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.asp>

In order to ensure that we meet our statutory duty to respond to the request within 20 working days of receiving it, I must ask for your views by 23 July.

Please be aware that I shall be out of the office next week but shall return on 23 July. If you wish for your communications to be considered before my return please copy them to our Duty Inspector through the Fish Health mailbox - MS.FishHealth@gov.scot

With best regards,

[Redacted]

[Redacted]

Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101 | 375, Victoria Road | Aberdeen AB11 9DB
[Redacted]
w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted]@marineharvest.com]

Sent: 09 July 2018 09:35

To: Purvis N (Neil) (MARLAB)

Cc: Jhesketh-laird@scottishsalmon.co.uk; [Redacted]@gov.scot; [Redacted] (MARLAB); [Redacted] (MARLAB); [Redacted]@marineharvest.com; [\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@griegseafood.com](mailto:[Redacted]@griegseafood.com); [\[Redacted\]@cookeaqua.com](mailto:[Redacted]@cookeaqua.com); [Redacted]@marineharvest.com; [Redacted]@marineharvest.com; [\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com); [\[Redacted\]@lochduart.com](mailto:[Redacted]@lochduart.com)

Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon

Dear [Redacted]

Please find attached letter from our director of communications, [Redacted], with regards to the FOI above.

Please could you include [Redacted] on emails relating to this and any future FOI's.

Regards

[Redacted]

[Redacted]
[Redacted]
MARINE HARVEST SCOTLAND LTD

[Redacted]
WEB: www.marineharvest.com

OFFICE: Stob Ban House
Glen Nevis Business Park
Fort William
PH33 6RX

From: [Redacted] (MARLAB)
Sent: 29 August 2018 17:27
To: [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted](MARLAB) [Redacted]@gov.scot>
Cc: [Redacted](MARLAB) [Redacted]@gov.scot>; [Redacted](MARLAB) [Redacted]@gov.scot>
Subject: FW: FoI/18/01141 - Request for photographs of diseased salmon

[Redacted]

You may recall a communication from Marine Harvest's [Redacted], in relation to the FoI / publication of photographs of diseased farmed salmon.

This was received at the beginning of July and [Redacted] indicated he would be happy to contribute to a reply.

Please find the attached draft, with thanks to [Redacted] for considerable input.

Grateful for any input and particularly in relation to the reference to the Farmed Fish Health WG.

Apologies that this reply will be so late, although we did address much / some of this in previous stakeholder communications on the issue.

Thanks
[Redacted]

From: [Redacted]@marineharvest.com>
Sent: 09 July 2018 09:35
To: [Redacted] (MARLAB) [Redacted]@gov.scot>
Cc: Jhesketh-laird@scottishsalmon.co.uk; [Redacted]@gov.scot>; [Redacted] (MARLAB) [Redacted]@gov.scot>; [Redacted] (MARLAB) [Redacted]@gov.scot>; [Redacted]@marineharvest.com>; [Redacted]@scottishsalmon.com>; [Redacted]@scottishsalmon.com>; [Redacted]@griegseafood.com>; [Redacted]@cookeaqua.com>; [Redacted]@marineharvest.com>; [Redacted]@marineharvest.com>; [Redacted]@scottishseafarms.com>; [Redacted]@lochduart.com>
Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon

Dear [Redacted]

Please find attached letter from our [Redacted], with regards to the FOI above.

Please could you include Ian on emails relating to this and any future FOI's.

Regards

[Redacted]

MARINE HARVEST SCOTLAND LTD

MOBILE: [Redacted]

MAIL: [\[Redacted\]@marineharvest.com](mailto:[Redacted]@marineharvest.com)

WEB: www.marineharvest.com

OFFICE: Stob Ban House
Glen Nevis Business Park
Fort William
PH33 6RX

From: [Redacted]

Sent: 13 August 2018 10:07

To: [Redacted]@gov.scot>

Subject: RE: Freedom of Information – FoI/18/01783 – proposed release information concerning the publication of photographs

Thanks

Will let core folk know when sent.

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101 | 375, Victoria Road | Aberdeen AB11 9DB

[Redacted]

e: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted]

Sent: 13 August 2018 10:02

To: [Redacted] (MARLAB)

Subject: RE: Freedom of Information – FoI/18/01783 – proposed release information concerning the publication of photographs

Hi [Redacted]

Agree you should just send it out – and yes you are right you will probably get a response straight after!

Can liaise with Comms on lines in the next couple of days prior to any weekend papers...

Cheers

[Redacted]

From: [Redacted] (MARLAB)
Sent: 13 August 2018 09:45
To: [Redacted]@gov.scot
Subject: RE: Freedom of Information – FoI/18/01783 – proposed release information concerning the publication of photographs

Hi [Redacted]

No but will issue today. Was waiting to hear from Cab Sec. Knowing my luck I will issue then get a response!

At home today but can send out whenever.

Thanks

[Redacted]

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101 | 375, Victoria Road | Aberdeen AB11 9DB

[Redacted]

e: [Redacted]@gov.scot

w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted]@gov.scot
Sent: 13 August 2018 08:55
To: [Redacted] (MARLAB)
Subject: RE: Freedom of Information – FoI/18/01783 – proposed release information concerning the publication of photographs

Hi [Redacted]

Just checking that this issued?

Cheers

[Redacted]

From: [Redacted] (MARLAB)
Sent: 10 August 2018 16:44
To: [Redacted]@gov.scot
Subject: RE: Freedom of Information – FoI/18/01783 – proposed release information concerning the publication of photographs

Hi [Redacted]

Tried to call a couple of times but missed you.

Still nothing back from Cab Sec office. I'm tempted to reply to this one today at close. Lines can be developed Monday (although I'm not in the office I think you have my suggestion / contribution).

Let me know, if you can, if you are content with this approach.

[Redacted]

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted] (MARLAB)

Sent: 10 August 2018 10:02

To: [Redacted]@gov.scot

Subject: RE: Freedom of Information – FoI/18/01783 – proposed release information concerning the publication of photographs

No released yet. Maybe later on today. Still waiting to hear from Cab Sec office.

I'm at home at the moment but heading in soon. Can catch up later

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted]@gov.scot

Sent: 10 August 2018 09:58

To: [Redacted] (MARLAB)

Subject: RE: Freedom of Information – FoI/18/01783 – proposed release information concerning the publication of photographs

Good morning [Redacted]

Was this released yesterday? I was at the SSPO office yesterday and [Redacted] is at SAIC today. I can pick up assisting with comms/ lines today

Cheers

[Redacted]

From: [Redacted](MARLAB)

Sent: 09 August 2018 17:23

To: Cabinet Secretary for the Rural Economy

Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform; Minister for Rural Affairs and the Natural Environment; Director of Marine Scotland Mailbox; Palmer MR (Mike); [Redacted] (MARLAB); [Redacted]@gov.scot; [Redacted] (MARLAB); [Redacted] (MARLAB); [Redacted] (MARLAB); [Redacted]@gov.scot; [Redacted]@gov.scot; Communications Rural Economy & Environment; Higgins K (Kate); [Redacted]@gov.scot; [Redacted] (MARLAB); [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot

Subject: Freedom of Information – FoI/18/01783 – proposed release information concerning the publication of photographs

Dear [Redacted]

The Cabinet Secretary will wish to be aware of the following FoI request and our proposed response to the same.

The Cabinet Secretary will recall recent FoI requests relating to photographs of diseased farmed salmon. This request (FoI/18/01783) concerns information relating to the publication of photographs associated with the response to FoI/18/01141, and includes:

- details of how the industry stakeholders were consulted prior to the release of the information
- details of how the companies affected were made aware of the release date of information and publication
- information relating to correspondence (e.g. emails and letters) with salmon farming companies, the RSPCA, SSPCA, Government officials and any other parties

Attached is our draft response letter along with documentation proposed for release. This includes several internal and external communications regarding the potential release of these images. There are communications with industry stakeholders, as well as policy colleagues within Scottish Government, including the FoI unit.

The Cabinet Secretary will wish to be aware that we have fully explored the requirement to publish correspondence from stakeholder legal representatives. We have determined that legal privilege is only between a lawyer and their client. As the Scottish Government aren't the client, legal privilege cannot apply to the advice from the stakeholders solicitors in this case.

We have consulted with the FoI unit concerning the response we propose. We have also informed relevant industry stakeholders. SpAds have already approved the draft responses. Lines will be developed and agreed with Communications colleagues.

Regards,

[Redacted]

<< File: FoI-18-01783 draft letter.docx >> << File: INFORMATION PROPOSED FOR RELEASE - names redacted documents numbered.docx >> << File: INFORMATION PROPOSED FOR RELEASE - 060_email attachment - evidence_arguments from SSF.pdf >>

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB
[Redacted]
w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted] (MARLAB)
Sent: 10 August 2018 14:16
To: [Redacted]@scottishseafarms.com>
Cc: [Redacted] (MARLAB)
Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon - Further FoI requests

Dear [Redacted]

The information that has been requested here is discussions about the release/publication of environmental information so falls under the definition of environmental information as defined by the legislation. Therefore, we have to deal with the request under the EIRs.

Regarding your comments about correspondence with your lawyer being subject to legal privilege, this only applies to communications between a lawyer and their client. As the Scottish Government are not the client here, legal privilege cannot apply to the communications from SSF solicitors.

As you will know, the legislation requires that we operate with a strong presumption in favour of the release of information and that any exceptions must be applied restrictively. We are also required to consider documents on a line-by-line basis and not withhold documents in their entirety if exceptions only apply to parts of documents. We have been through all the information relevant to this request on that basis, and do not consider that we can apply any exception that will allow us to withhold any part of the communications with SSF.

I understand that you may be unwilling to engage so frankly with us on any future requests, and I am sorry to hear this. We value your input, and often will only be able to withhold information that may damage the interests of SSF by considering evidence that only you are able to provide. I hope that we are still able to have these useful discussions in relation to any future requests.

We agree with your position on job titles if these will identify individuals and will redact these before the information is released.

Regards,
[Redacted]

[Redacted]
Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB
[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted]@scottishseafarms.com]
Sent: 07 August 2018 14:29
To: [Redacted] (MARLAB)
Cc: [Redacted] (MARLAB)
Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon - Further FoI requests

Dear [Redacted],

We consider that the new request should be considered under FOISA and not the EIRs. We believe that Marine Scotland should withhold the information under S30(b) of FOISA. That allows an exemption to be applied by MS where disclosure would inhibit substantially the free and frank exchange of views. SSF provided frank views in order to assist MS with its deliberations and we and others would be less likely to do so in future if information were to be disclosed.

Should this approach not be accepted we consider the email exchange with our lawyer to be exempt because of legal privilege, therefore only correspondence between myself as our company contact with Marine Scotland to be included. In addition redaction of individual names we consider job title to be identifiable to individuals as such we understand Marine Scotland should redact job title working address and contact details in order to protect our personnel.

Best regards,

[Redacted]

From: [Redacted]@gov.scot>
Sent: 07 August 2018 10:52
To: [Redacted]@scottishseafarms.com>
Cc: [Redacted]@gov.scot

Subject: FW: Fol/18/01141 - Request for photographs of diseased salmon - Further FOI requests

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If in doubt please forward to ITSUPPORT@scottishseafarms.com

Dear [Redacted]

Just for your awareness and following on from my email on 13 July, in relation to the request covering:

information relating to the publication of photos of diseased farmed salmon (Fol/18/01141) - including any correspondence (e.g. emails and letters) with salmon farming companies

I'm writing to advise that the attached communications (as an example of the email exchanges between us) will be released in reply to the request. Appropriate redactions will be applied to all personal information including the names of individuals involved.

The request is overdue, and it is our intention to reply to it as soon as possible.

Many thanks.

Kind regards,
[Redacted]

[Redacted]

Marine Scotland – Science
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted] (MARLAB)

Sent: 13 July 2018 12:12

To: [Redacted]@marineharvest.com; [Redacted]@marineharvest.com'; Jhesketh-laird@scottishsalmon.co.uk; [\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@griegseafood.com](mailto:[Redacted]@griegseafood.com); [\[Redacted\]@cookeaqua.com](mailto:[Redacted]@cookeaqua.com); [Redacted]@marineharvest.com; [Redacted]@marineharvest.com; [\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com); [\[Redacted\]@lochduart.com](mailto:[Redacted]@lochduart.com)

Cc: MS FishHealth (MS.FishHealth@gov.scot); [Redacted]@gov.scot; [Redacted] (MARLAB); [Redacted] (MARLAB)

Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon - Further FoI requests

Dear [Redacted]

Many thanks for your communication which I have received and will reply to in due course.

All

Please note that Marine Scotland has recently received several further FoI requests which we are in the process of dealing with. The areas they include cover:

- Copies of photos of Scottish farmed salmon and Scottish salmon farms during 2018 & 2016 – this is a follow up to the request for photos of diseased salmon
- Copies of photos of farmed salmon (dead and alive) following treatment with the Thermolicer, Hydrolicer, Optilicer and other mechanical treatments since 1 January 2016
- Information on the numbers of mortalities on salmon farms since 1 January 2018, including details of the mortality reporting thresholds
- Information on disposal of farmed salmon via landfill, incineration, bio-gas and other disposal methods since 1 January 2018
- Information on any reports (*made by the FHI*) to the Animal and Plant Health Agency in relation to farmed salmon
- Information on mortalities and diseases at smolt salmon farms (freshwater and marine) during 2018

We are in the process of identifying relevant information which we hold in relation to these requests. Where such information relates to your business interest then I will be in contact with you individually regarding the same.

In addition to the requests listed above we have also received a request under the Environmental Information (Scotland) Regulations 2004 (EIRs) for information relating to the publication of photos of diseased farmed salmon (FoI/18/01141) - including any correspondence (e.g. emails and letters) with salmon farming companies.

You have an interest in the information which has been requested because you were one of the companies consulted about release of these photographs, and your communication with us on this matter falls within the scope of the request. Therefore, I am writing to ask you for your views on whether this information should be disclosed, before we make a decision on the request. Please note that this consultation is a courtesy, not a statutory obligation, and you do not have a veto on disclosure of the information. Under the terms of the EIRs, the decision on whether or not to release the information is for the Scottish Government alone. However, we will take account of your views.

I should also explain that we can withhold information only if an exception under the EIRs applies to that information and the public interest in disclosure is not outweighed by the public interest in upholding the exception. You can find detailed information about the EIRs on our website at: <http://www.scotland.gov.uk/about/foi> or on the Scottish Information Commissioner's website at: <http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.asp>

In order to ensure that we meet our statutory duty to respond to the request within 20 working days of receiving it, I must ask for your views by 23 July.

Please be aware that I shall be out of the office next week but shall return on 23 July. If you wish for your communications to be considered before my return please copy them to our Duty Inspector through the Fish Health mailbox - MS.FishHealth@gov.scot

With best regards,

[Redacted]

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted][@marineharvest.com](mailto:[Redacted]@marineharvest.com)

Sent: 09 July 2018 09:35

To: [Redacted] (MARLAB)

Cc: Jhesketh-laird@scottishsalmon.co.uk; [Redacted][@gov.scot](mailto:[Redacted]@gov.scot); [Redacted] (MARLAB); [Redacted] (MARLAB); [Redacted][@marineharvest.com](mailto:[Redacted]@marineharvest.com); [\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com);

[\[Redacted\]@scottishsalmon.com](mailto:[Redacted]@scottishsalmon.com); [\[Redacted\]@griegseafood.com](mailto:[Redacted]@griegseafood.com); [\[Redacted\]@cookeaqua.com](mailto:[Redacted]@cookeaqua.com);

[\[Redacted\]@marineharvest.com](mailto:[Redacted]@marineharvest.com); [\[Redacted\]@marineharvest.com](mailto:[Redacted]@marineharvest.com);

[\[Redacted\]@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com); [\[Redacted\]@lochduart.com](mailto:[Redacted]@lochduart.com)

Subject: RE: FoI/18/01141 - Request for photographs of diseased salmon

Dear [Redacted]

Please find attached letter from our director of communications, [Redacted], with regards to the FOI above.

Please could you include [Redacted] on emails relating to this and any future FOI's.

Regards

[Redacted]

MARINE HARVEST SCOTLAND LTD

[Redacted]

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OFFICE: Stob Ban House
Glen Nevis Business Park
Fort William
PH33 6RX

From: [Redacted] (MARLAB)
Sent: 08 March 2019 14:30
To: [Redacted] (MARLAB)
Subject: Active Publication of Fish Health Inspectorate Information

Dear Stakeholder

Update on Active Publication of Fish Health Inspectorate Information

I am writing as a follow up to my previous communication of 21 December 2018, letter attached for your reference. This concerned future plans within Marine Scotland's Fish Health Inspectorate (FHI) for further active publication of information.

I can advise you that, as of Wednesday 6 March 2019, sea lice and mortality information provided to the FHI through the reporting regimes has now been published. The information published includes sea lice information up to week 4 of 2019 and mortality information reported up until to the end of January 2019 and can be located here:

<https://www2.gov.scot/Topics/marine/Fish-Shellfish/FHI/CaseInformation>

Going forwards, future publications will be made on a monthly basis, one month in arrears.

The web pages also contains copies of the notification forms which can be used to report mortality events and sea lice counts, where relevant. We would be obliged if you could use these forms for future notifications to help ensure a uniform approach and improved traceability of the information provided.

Changes to case information publication

We will also be changing the frequency of publication of case information including photographs (where relevant). Presently case information involves the publishing of closed (completed) cases on a quarterly basis, three months in arrears. From April 2019 closed cases will be published monthly, one month in arrears. Therefore the start of April will see the publication of relevant cases from January and February 2019.

The change aligns the three areas of information (cases, mortality and sea lice) into the same timescale for publication – monthly, one month in arrears. As you are aware these areas receive significant interest from third parties. The approach

facilitates further in dealing with Freedom of Information requests and in meeting the Scottish Government principles of openness and accountability.

If you have any queries regarding this then please do contact me.

With best regards,

[Redacted]

[Redacted]

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101 | 375, Victoria Road | Aberdeen AB11 9DB

[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>