

ANNEX A

REASONS FOR NOT PROVIDING INFORMATION

Regulation 6(1) (b) - information already publicly available

Under the terms of the exception at regulation 6(1) (b) of the EIRs, we do not have to give you information which is already publicly available and easily accessible to you in another form or format. If you do not have internet access to obtain this information from the links to websites in this letter, please contact me again and I will send you a paper copy.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the 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, as the information is already publicly available.

Regulation 10(4) (a) – information not held

Under the terms of the exception at regulation 10(4) (a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have some of the information you have asked for which is held by Scottish Government agencies.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the 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 Scottish Government agency grants and loans for the fish farming industry, clearly we cannot provide information which we do not hold.

Regulation 11(2) – Personal data of a third party

An exception under regulation 11(2) of the EIRs (personal information) applies to some of the information requested because it is personal data of a third party, and disclosing it would contravene

the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.

ANNEX B

From: Team - Customer Service <customer.service@hient.co.uk>
Sent: 28 October 2020 17:14
To: REDACTED
Subject: FOI to HIE
Importance: High

Dear Mr REDACTED

Thank you for your original Freedom of Information request received by HIE on 20 October 2020 and for your subsequent clarification response received by Highlands and Islands Enterprise (HIE) on 22 October 2020 for which you have asked for the following information;

'details of HIE's financial and non-financial support to salmon farming businesses.. for the period from 1 December 2018 to 20 October 2020'.

The above information (See PDF attachment) has been issued in the same format to that released on 8 January 2019 in a separate request for the period from 1 January 2010 to 30 November 2018 which you had identified in your correspondence to HIE.

Please note that the sums contained within the information relate to approvals, not payments. The approval simply shows that funds have been made available, but they will not be released until evidence is received which shows that the project or activity has gone ahead as planned. In addition, draw down of funds will be conditional on appropriate legal terms and conditions being agreed between HIE and the applicant and satisfaction of any pre-payment conditions.

We have also shown non-financial support where the operator has benefited from Specialist Advice.

I trust the above information will be of assistance to you. Under the Freedom of Information (Scotland) Act 2002 you will have the right to request a review of the way in which this request has been processed. Should you wish to exercise this right, you will need to contact us within 40 working days of receipt of this e-mail. If you remain dissatisfied on completion of the review, you have the right to appeal to the Office of the Scottish Information Commissioner – www.itspublicknowledge.info.

Kind regards,

HIE Customer Service



Funding 1
December 2018 to 2