

## REASONS FOR NOT PROVIDING INFORMATION

### The Scottish Government does not have the information

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 the information you have requested because with regard to the shellfish data the information includes only Scottish vessels that are 10 metres and under as this is the information we hold in our database. You should note that the 2016 data is much lower than the other years, this is because this was the year that the data was migrated to the new database, so is likely to be incomplete.

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 additional shellfish data, clearly we cannot provide information which we do not hold.

### An exception applies

Regulation 11(2) – To the extent that environmental information requested includes personal data of which the applicant is not the data subject and in relation to which either the first or second condition set out in paragraphs (3) and (4) is satisfied, a Scottish public authority shall not make the personal data available.

An exception under regulation 11(2) of the EIRs (personal information of a third party) 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.

To comply with the Data Protection Act 2018, location data is subject to statistical disclosure controls. Values are redacted where there are fewer than five fishing vessels present.