

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

ANNEX

REASONS FOR NOT PROVIDING INFORMATION

Reg 11(2) - Personal data relating to 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.

Reg 10(5)(e) - The confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest: An exception under regulation 10(5)(e) of the EIRs applies to some of the information requested as it would likely cause substantial prejudice against the organisation if disclosed.

This exception is subject to the 'public interest test'. In this instance the public interest in disclosing the information does not outweigh the public interest in applying the exception.