

ANNEX A

REASONS FOR NOT PROVIDING INFORMATION

Regulation 10(4)(b), manifestly unreasonable requests

As noted above, while information on several of the variables requested (inclusion of natural regeneration, ground preparation, deer fencing) is held in individual WCC project records, we do not currently collate this data as requested.

To do so would require experienced WCC managers or similarly knowledgeable staff to undertake a manual review of individual WCC projects, and at an estimate of two hours per application to review each of the approximately 400 projects in scope and determine the requested variables, we estimate that this would take around 800 hours of staff time. At 37 hours per week, this would represent approximately 21 weeks of a full-time officer's working time.

Under regulation 10(4)(b) of the Environmental Information Regulations:

“A Scottish public authority may refuse to make environmental information available to the extent that—
[...]
(b) the request for information is manifestly unreasonable”

The Scottish Information Commissioner [has provided guidance](#) that this definition includes requests that:

“would impose a significant burden on the public authority [...] where complying with it would require a disproportionate amount of time, and the diversion of an unreasonable proportion of its resources, including financial and human, away from other statutory functions. The authority should be able to demonstrate why other statutory functions take priority over its statutory duties under FOISA. If the public authority does not perform statutory functions, it should demonstrate why its core functions are of a higher priority than the statutory requirement to respond to information requests.”

We consider that the diversion of this amount of experienced officer time would meet these criteria, as it would have a significant negative impact on our ability to deliver our statutory responsibility to promote sustainable forest management and our core functions of supporting and delivering the management and expansion of Scotland's forests in line with the Scottish Government's Forestry Strategy.

Under regulation 10(1) of the EIRs:

“A Scottish public authority may refuse a request to make environmental information available if –
(a) there is an exception to disclosure under paragraph (4) or (5); and
(b) in all the circumstances of the case, the public interest in making the information available is outweighed by that in maintaining the exception.”

We consider that the public interest in making the information available is outweighed by the diversion of resources required to make it available and the associated impact on the delivery of our core functions.