

REASONS FOR NOT PROVIDING INFORMATION

Unauthorised felling information is held in variety of systems. We do not currently collate all data on one system, so to search, collate and assess and then summarise the information on each of the cases would require a manual review of each case.

This would require experienced case managers or similarly knowledgeable (as opposed to a administrative) staff to undertake such a review, and there are over 500 cases, each having varying degrees of information and records associated and requiring assessment of any issues which are contained, such as identification of personal data.

At a conservative estimate of 30 minutes per application to locate all the relevant information and review each application, determine the investigation status and summarise, we estimate this would take around 260 hours of staff time. At 37 hours per week, this would represent approximately 7 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.