

email: mail@andywightman.com

andy wightman



13 June 2013

Jonathan Pryce
Director for Agriculture, Food and Rural Communities
P1 Spur
Saughton House
Broomhouse Drive
EDINBURGH
EH11 3XD

Dear Mr Pryce,

Evidence submitted to the Land Reform Review Group
Environmental Information (Scotland) Regulations 2004
Fol/13/00709

I request a review of the decision by Scottish Ministers to refuse my request for information about evidence to the Land Reform Review Group (ref Fol/13/00709).

The grounds for refusal were twofold.

Firstly;

In the Review Group's Call for Evidence, they stated that, *"At the end of the review process, and after the final report is published, we will publish your responses on the review web page, subject to any requests for anonymity"*. Respondents would reasonably expect that, even if they do not wish their submission to remain anonymous, that we would not be publishing the information contained until after the final report. I still consider this to be a valid concern, although this will diminish as the stated publication date approaches.

I regard this reason as irrelevant to an FoI request. I am not asking you to publish the information, I am seeking it under FoI. Furthermore, in the response, it is announced that the publication date for evidence will be brought forward by 8 months from April 2014 to August 2013. Does this not contradict the reasoning given above?

Secondly;

- Secondly, the work involved in collating the information to respond to your request, even should the deadline be extended to 40 days as allowed within the regulations, would place an unreasonable burden on the team dealing with the review group, at the same time as they are trying to support the Group during Phase 2 of the Review. To put some context on this, using other releases as guidance, I have estimated that an average of 3 minutes to review each page would be reasonable. There are an estimated 7200 pages of submissions, amounted to approximately 360 hours work. Even if both members of the support team were to work on this, it would take 5 weeks to complete, during which time the Group would have no support. I consider this amount of time to be unreasonable in the context of the Act and, for those reasons, I am refusing your request under regulation 10(4)(b).

I do not understand this reasoning. The information I am seeking is information that has been cleared for publication at a future date by the authors of the information. I fail to understand why Scottish Ministers must spend any time reviewing the information along the lines you indicate

All considered I do not believe that the Scottish Government has properly applied the provisions of the EIR to my request for information and ask that you review the decision.

Yours etc.

Andy Wightman
mail@andywightman.com