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Mr Aaron McLoughlin
Hugo Verrieststraat
1140 Evere
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BELGIUM

Our ref: Fol/11/00728

21 June 2011

Dear Mr McLoughlin

Thank you for your request dated 9 June 2011 under the Freedom of Information (Scotland) Act 2002 (FOISA) for the amount/number of Fixed Quota Allocations (FQA) units held by each vessel or individual in receipt of a quota allocation in Scotland.

We do endeavour to provide information whenever possible. However, in this instance, the release of the names of vessels would, of themselves, allow the individual owners to be identified. In this instance, therefore, an exemption under section 38(1)(b) (personal information) of FOISA applies to the information requested. This exemption applies because the information is personal data of a third party, and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. As this exemption is an absolute exemption, we have not applied the public interest test.

We believe also that an exemption under section 33(1)(b) of FOISA ought to be applied in that release of this information would, or would be likely to, prejudice substantially the commercial interests of those persons holding fishing licences with associated FQA units. As this exemption is conditional, we have applied the "public interest test". This means we have, in the circumstances of this case, considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We are of the view that the information requested is primarily of relevance within the fishing industry itself and has little wider public relevance. On balance, therefore, we have found that the public interest lies in favour of upholding the exemption.

I am sorry we are unable to assist with your enquiry. If you are unhappy with this response to your request, you may ask us to carry out an internal review, by writing to Linda Rosborough, Acting Director, Marine Scotland, Area 1B-South, Victoria Quay, EDINBURGH EH6 6QQ. Your request should explain why you wish a review to be carried out, and should

be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Regards.

Yours sincerely



JOHN ROBB
Marine Scotland