

**Name:** Russ Hunter

**Address:**

**E-mail:** xxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx  
If calling please ask for: Kenny  
McKaig 01382 434577

Dear Sir/Madam

**Freedom of Information Request Reference No. 20200219006**

I refer to your request of 19/02/2020

Regulation 10(4)(a) of the Environmental Information (Scotland) Regulations 2004 provides a Scottish public authority to advise when information is not held and to advise where the information is held, if known.

The information you have requested is not held, I therefore refuse your request.

However you may wish to contact:

The Scottish Roadworks Register using the link as follows:

<https://roadworks.scot/home>

I would like to request data on roadworks carried out under your authority.

Can I please receive a total count of roadworks that the council carried out within the date ranges of:

01/04/2016 - 31/03/2017

01/04/2017 - 31/03/2018

01/04/2018 - 31/03/2019

If I could please receive this as a total count for each year individually that would be fantastic.

**How We Handled Your Request**

We believe you have asked for environmental information as defined in the Environmental Information (Scotland) Regulations 2004 ('the EIRs'), so we are dealing with your request under those regulations. To be able to use the EIRs, we must apply an exemption under section 39(2) of the Freedom of Information (Scotland) Act 2002 ('FOISA'). The Scottish Information Commissioner's guidance recommends that public authorities apply this exemption to environmental information and handle requests under the EIRs.

If you would like to find out more about the access to information legislation there is a guidance booklet available on the Scottish Information Commissioner's website:

<http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?IID=5487&SID=5024>.

### **Your Right to Appeal**

If you are unhappy with this reply you may require the Council to review its actions and decisions in relation to your request.

The requirement for review must:-

- be in writing or other permanent form (please address it to me);
- state your name and give an address for correspondence;
- specify the original request for information and the matter which gives rise to your dissatisfaction; and
- be made within 40 working days of the date of this response, although the Council may, if it considers it appropriate to do so, consider requirements for review after that time has passed.

Your requirement for review will be dealt with by the Chief Executive. He will reply to you in writing promptly and in any event within 20 working days. He may:-

- confirm my decision with or without modification;
- substitute a different decision for my decision;

and will give you his reasons for so doing.

If you are unhappy with the Chief Executive's decision you may then appeal to the Scottish Information Commissioner. You must submit your appeal to the Scottish Information Commissioner within six months of receiving the Chief Executive's decision. Further details on the Scottish Information Commissioner's appeal procedure can be found using the direct link [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal) or email [xxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxxx](mailto:xxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxxx) or telephone (01334) 464610 or write to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Yours faithfully

Kenneth McKaig

Legal Manager