

Name: Melanie Kiyani

Address:

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

Dear Sir/Madam

Freedom of Information Request Reference No. 20200320001

I refer to your request of 12/03/2020 and I apologise for the delay in responding.

Regulation 11(2) and (3) of the Environmental Information (Scotland) Regulations 2004 provides that a Scottish public authority shall not make personal data available where it constitutes the personal data of a third party and to do so would contravene any of the data protection principles. The information you have requested constitutes the personal data of a third party and to make it available would contravene the first data protection principle.

For this reason I refuse these parts of your request.

In regards to the selling price, Regulation 10(5) (e), of the Environmental Information (Scotland) Regulations 2004 provides that a Scottish public authority may refuse a request to make information available if its disclosure would or would be likely to prejudice substantially the confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest. Disclosure of the information you have requested would or would be likely to prejudice substantially the legitimate economic interests of the companies involved and the Council.

I therefore refuse this part of your request.

The information which we can provide is contained in the documents attached.

Please provide us with any correspondence between yourselves & any other party (eg SEPA, Scottish Water, Persimmon) and also internal council communication, regarding the sale & development of the Kingspark site, Gillburn Road, from the date of the Reporter's decision to allow the development until the present.
We specifically want the purchase price included.

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 a Senior Officer who will reply to you in writing promptly and in any event within 20 working days. He/she may:-

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

and will give you their reasons for so doing. If you are unhappy with the Senior Officers 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 Senior Officers decision. Further details on the Scottish Information Commissioner's appeal procedure can be found using the direct link www.itspublicknowledge.info/Appeal or email xxxxxxxx@xxxxxxxxxxxxxxxxxxxxx.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