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Information and Data Protection Team

Chief Executive's Department
Glasgow City Council
City Chambers
George Square
Glasgow G2 1DU

Phone: 0141 287 1055

Email: FOI_CCT@glasgow.gov.uk

Our Ref: 7095500

Your Ref: -

25 October 2019

Mr David Balfour

Sent by email: request-608158-0de90e0b@whatdotheyknow.com

Dear Mr Balfour

Request Under The Environmental Information (Scotland) Regulations 2004 ("The EIRs")

Thank you for your correspondence of 30th September 2019 where you asked for the following information:

"I would like to know what reports of potholes or other defects you received for Bocclair Road within the Glasgow City Council boundary within the last 90 days.

I would also like to know what planned and unplanned inspections were done for the same road in the same time period."

The Council considers that the requested information is environmental information in terms of the EIRs. The explanation of why we believe this to be the case is set out in the Annex to this letter.

We can confirm that the Council holds the information that you have requested.

On inspecting our records it would appear that some of the information requested is covered by an exception(s) contained within the EIRs.

As you will see, some of the information has been redacted (blanked out). The reasons for this are contained within the attached Annex.

Please find attached the information which falls within the scope of your request.

Right to Request a Review

If you are unhappy with the way we have dealt with your request, you can ask us to formally review our decision. Please note that for a review to take place you must lodge a written request for a review within **40 working days** of the date of this letter. Please include the following information:

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- A correspondence address;
- The reference quoted at the top of this letter; and
- The reason(s) why you are dissatisfied with the Council's response.

Please address your request to the Director of Governance and Solicitor to the Council:

Director of Governance and Solicitor to the Council
Glasgow City Council
City Chambers
George Square
Glasgow G2 1DU

Email: FOIreviews@glasgow.gov.uk

You will receive notice of the results of the review within 20 working days of receipt of your request. The notice will state the decision reached by the reviewing officer as well as details of how to appeal to the Scottish Information Commissioner if you are still dissatisfied with the Council's response. You must request an internal review by the Council before an appeal can be directed to the Scottish Information Commissioner.

For your information at this stage, an appeal can be made to the Scottish Information Commissioner by contacting his office as follows if you do remain dissatisfied with the outcome of the Council's review decision:

Address: Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS.

Email: enquiries@itspublicknowledge.info

Telephone: 01334 464610

You can also use the Scottish Information Commissioner's online appeal service to make an application for a decision:

www.itspublicknowledge.info/appeal

If you wish to submit a complaint to the Council in relation to the manner in which it has handled your request for information then you can do so by requesting that the Council review its decision. Details of how to request a review are set out in the above paragraph "Right of Review".

Yours sincerely

Information & Data Protection Team
Chief Executive's Department

Glasgow City Council's Privacy Statements: <https://www.glasgow.gov.uk/privacy>

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ANNEX 1

EIR 7095500

Why we are treating your request under the EIRs

The Council considers that the information that you have requested is environmental information in terms of the EIRs. This means that the information is exempt from disclosure under the Freedom of Information (Scotland) Act 2002 ("the Act") because of the exemption contained at section 39(2) of that Act.

We believe that it is more appropriate to consider your request under the specific regulatory regime provided for environmental information. Further, the Council is of the opinion that the public interest in considering your request for environmental information in accordance with the terms of the EIRs outweighs the public interest in disclosure of such information under the terms of the Act.

"Environmental information" is defined in Regulation 2(1) of the EIRs and includes measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements of the environment (such as air and atmosphere, water, soil, land, landscape) and factors of the environment (such as substances, energy, noise, radiation of waste, including radioactive waste, emissions, discharges and other releases into the environment).

The Council has redacted personal information as per regulations 11(2) and (3) of the EIRs. In other words, in our opinion, disclosure of the information would involve disclosure of personal data as defined by General Data Protection Regulation and that such disclosure would breach the Data Protection Principles contained within Article 5(1) of the Regulation.

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Requests for such consent should be addressed to:

Colin Edgar
Head of Communication and Strategic Partnerships
Glasgow City Council
City Chambers
Glasgow G2 1DU
Email Colin.Edgar@glasgow.gov.uk

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