

James Lowe

Field Operations Directorate

C Campbell

FOI Officer
Mercantile Chambers
53 Bothwell Street
Glasgow
G2 6TS

Tel: 0141 275 3067
Fax: 0141 275 3099
catriona.campbell@hse.gsi.gov.uk

<http://www.hse.gov.uk/>

Team Leader:
Linda Fee

Date: 13 September 2012

Our Reference: 2012090208

Your Reference:

Dear Mr Lowe

Freedom of Information Request Reference No: 2012090208

Thank you for your request for information about an incident that occurred on 6 August 2012 at Scotgen Dumfries.

Your request was received on 13 September 2012 and I am dealing with it under the terms of the Freedom of Information Act 2000 (the Act).

There have been no other reportable incidents from Scotgen at Dumfries and HSE holds no correspondence.

I can confirm that HSE holds information about this incident. However the incident is currently under investigation and action arising from the investigation has not yet been completed.

The information is therefore exempt from disclosure under section 30(1)(b) of the Act (investigations and proceedings conducted by public authorities).

Public Interest Test

The exemption relied on is a qualified exemption that is subject to the public interest test. This means HSE has to balance the public interest factors favouring disclosure against those favouring non-disclosure. In this case I have considered the following factors in favour of disclosure:

- Promote transparency and build public confidence in HSE's investigative process
- Secure the health and safety of employees and others

And the following factors in favour of non-disclosure:

- Impede an ongoing investigation by hampering the gathering of information and evidence
- Inhibit HSE's ability to conduct further investigations effectively because, for example, third parties may be less willing to volunteer information to HSE if information is disclosed inappropriately
- Reduce the chances of a successful prosecution should the investigation conclude that this course of action is appropriate

- Unfair in cases where decisions may be taken not to proceed to prosecution

After careful consideration I believe that the public interest in not disclosing the information outweighs the public interest in disclosing because of the adverse impact it would have on the ability of HSE to conduct investigations.

One consequence of the statutory time period for responding to requests contained in the Act is that HSE cannot allow your request to lie 'on file' until the investigation is completed. Can I therefore suggest that, if you still require the information, you make a further application in 3 months time.

All requests received following the completion of the investigation will be dealt with under the terms of the Act and any exemptions considered accordingly.

If you have any queries about this letter please contact me quoting the reference number above in any future communications.

If you are unhappy with the decisions made by HSE in relation to your request you may ask for an internal review by contacting me.

If you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545700 Fax: 01625 524510

Email: mail@ico.gsi.gov.uk

Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely



C Campbell (Mrs)
Freedom of Information Officer