Supplementary written evidence from Guy Linley-Adams, Solicitor, on behalf of the Salmon & Trout Association Scotland

In its supplementary written evidence to the Committee, the Scottish Salmon Producers Organisation refers to the campaign run by the Salmon & Trout Association and names me as heading that campaign.

The SSPO describes how, in its view:

“these campaigns have showered the Scottish Government regulatory agencies with demands for information under FOI or EIR followed by press releases which attempt to erode retailer and consumer confidence in aquaculture and impugn the reputation of individual farming companies”.

The SSPO continues:

“we have concerns that the lobbying and campaigning is aimed to undermine the role and authority of the Scottish Government and Scottish regulatory agencies…..”

As a solicitor regulated by the Law Society for Scotland and acting for a Scottish registered charity, the Salmon & Trout Association, I would like to reassure the Committee that the basis for any request for information made by me to departments of Scottish Government or Scottish statutory agencies are made pursuant to the EU Directive on Public Access to Environmental Information as enacted in Scots law by the Environmental Information (Scotland) Regulations 2004.

Public access to information - subject to legitimate exceptions - is almost universally seen as being in the public interest.

The Scottish Information Commissioner has described how:

“freedom of information is essential for all of us if our public authorities including our government are to be open and accountable to all the people they serve”

A MORI poll survey conducted by the Scottish Information Commissioner in 2011 showed that 91% of the Scottish public view freedom of information as an important way to hold public bodies to account for their spending decisions and over 80% wanted freedom of information extended to cover other bodies that provide public services.

All Scottish public authorities and departments of Scottish Government to which requests have been made pursuant to Scots law on freedom of information have, without exception, been very helpful and prompt in dealing with the requests made by me on behalf of the Salmon & Trout Association Scotland.

These bodies include Marine Scotland Science, the Scottish Environment Protection Agency, the Crown Estate, Scottish Natural Heritage and relevant local authorities’ planning departments on the west coast and in the islands and the Salmon & Trout

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1 Scottish Information Commissioner (2013) “Your Right To Know - a guide to freedom of information law in Scotland”

2 Scottish Information Commissioner (2011) Press Release 16th December 2011
Association Scotland is grateful to the efforts their respective staff make in response to the requests made.

The suggestion by the SSPO that the Salmon & Trout Association Scotland’s use of freedom of information requests and campaigning is aimed at undermining the role and authority of the Scottish Government and Scottish regulatory agencies is nonsense.

On the contrary, the aim of most similar campaigns run by environmental or conservation NGOs, including that being run by the Salmon & Trout Association Scotland here, is to strengthen the hand of regulatory authorities in their control and oversight of environmental impacts by whichever sector is involved.

By way of comparison - and when considering what, if anything, is aimed at undermining the role and authority of the Scottish Government and Scottish regulatory agencies - the Committee should be reminded of the SSPO’s own view of Marine Scotland from the SSPO’s response to the Scottish Government’s pre-Bill consultation,

“the consultation presents an image of Marine Scotland as totalitarian in approach and hostile to business….”

“Marine Scotland is widely regarded as narrowly focussed, bureaucratic, lacking in clear sense of its wider purpose and under-performing in respect of its stated remit”3.

The Salmon & Trout Association Scotland and many other bodies believe - and the flow of fisheries science supports this – that in certain circumstances and in certain locations on the west coast and in western isles, open-cage salmon farming can and does have a significant negative impact upon wild fish populations and wild fish conservation.

The campaign run by the Salmon & Trout Association Scotland, drawing on information obtained pursuant to legal rights given to the public by the Aarhus Convention and the EU Directive, is aimed at promulgating that message.

The Salmon & Trout Association Scotland is grateful to the Committee for accepting both written and oral evidence on this subject.

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3 SSPO (2012) Aquaculture and Fisheries Bill Consultation Response 2-3-12.