

[REDACTED]

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**From:** Freedom Of Information <foi@eastlothian.gov.uk>  
**Sent:** 06 April 2018 14:40  
**To:** [REDACTED]  
**Subject:** RE: [REDACTED] - On behalf of Dow Investments plc [REDACTED]  
**Attachments:** East Lothian Council - FOISA Review Letter.pdf; 2018\_207(484146).pdf

Our Ref: 2018/207(484146)

Dear [REDACTED]

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**  
**ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

Further to my email of 4 April, I am writing in response to [REDACTED] enquiry of 16 February.

On behalf of East Lothian Council I apologise again for the delay in responding to this information request. I am now able to provide our response to the questions asked which I hope will be of interest; please refer to the PDF attachment.

Under the terms of this legislation, if you are unhappy with the way your request has been handled, you are entitled to request that we undertake an internal review. Please note, however, that both the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 only relate to the *release* of information. The Scottish Information Commissioner publishes the following guidance about internal reviews:

*You can ask the authority to review its decision if it does not respond or you are unhappy with the way it has dealt with your request, for example by:*

- *refusing to give you the information*
- *failing to reply to you within the time limit allowed*
- *claiming the information is exempt*
- *failing to give you advice about, and help with, making your request*
- *asking you to pay a fee that you feel is unreasonable*

For example, if you are unhappy because you do not believe the information you have received is accurate, an internal review would not apply. Should this be the case, however, please let me know and I will try to resolve this. If I am unable to help, I will be happy to put you in touch with someone who can.

We must receive a request to review within 40 working days of the date of this notice. A request to review our decision must be in writing (e-mail is acceptable) or another permanent format. When writing, you should include your reasons as to why you are unhappy with our response and why you wish it to be reviewed. Your reasons for dissatisfaction must relate to your information request of 16 February only and should be addressed to:

Information Governance Compliance Officer  
Licensing, Administration and Democratic Services  
East Lothian Council  
John Muir House  
Haddington  
EH41 3HA

Email: [foi@eastlothian.gov.uk](mailto:foi@eastlothian.gov.uk)

We will have a maximum of 20 working days from the date we receive your request in order to complete our review and give you our decision. In order to ensure an impartial approach, an independent senior officer will be appointed to carry out the review.

If you are still not satisfied with our decision following the review process, then you may ask the Office of the Scottish Information Commissioner (OSIC) to investigate the matter. You must appeal to the Commissioner within six months of receiving the review decision. You may submit your appeal online via OSIC's website, a link to the online appeal service is provided for your convenience: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Alternatively, you may contact OSIC at:

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS


Telephone: 01334 464610

Fax: 01334 464611

E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

If you remain dissatisfied following the Commissioner's decision, you may be able to appeal to the Court of Session. You should, however, obtain legal advice before deciding on this course of action. This is because an appeal may only be made on a point of law, not because you disagree with the Commissioner's view of the case.

Yours sincerely

  
Information Governance Officer  
Licensing, Administration and Democratic Services  
East Lothian Council  
John Muir House  
Haddington  
EH41 3HA

  
Email: [foi@eastlothian.gov.uk](mailto:foi@eastlothian.gov.uk)

Information about East Lothian Council's complaints procedure can be found [here](#).

Details of your rights to requesting information from East Lothian Council are published [here](#).

The Scottish Information Commissioner is responsible for the enforcement of Scotland's freedom of information laws. Guidance regarding your rights of access to information held by Scottish public authorities is available on the Commissioner's [website](#).

**From:** Freedom Of Information

**Sent:** 04 April 2018 16:36

**To:** [REDACTED]

**Subject:** RE: [REDACTED] - On behalf of Dow Investments plc [REDACTED]

Our Ref: 2018/207(484146)

Dear [REDACTED]

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002  
ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

Thank you for your email of 29 March.

On behalf of East Lothian Council, I wish to apologise for the delay in our response to your information request of 16 February.

East Lothian Council always aim to respond to requests as soon as possible within the statutory time frame and I am sorry that we have failed on this occasion. Please be assured that your request is receiving attention from the relevant service area and our response will be sent to you just as soon as possible. If I can be of any assistance in the meantime, however, please do not hesitate to contact me.

Yours sincerely

[REDACTED]  
Information Governance Officer  
Licensing, Administration and Democratic Services  
East Lothian Council  
John Muir House  
Haddington  
EH41 3HA

[REDACTED]  
Email: [foi@eastlothian.gov.uk](mailto:foi@eastlothian.gov.uk)

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**From:** [REDACTED]

**Sent:** 29 March 2018 17:35

**To:** Freedom Of Information <[foi@eastlothian.gov.uk](mailto:foi@eastlothian.gov.uk)>

**Cc:** [REDACTED]

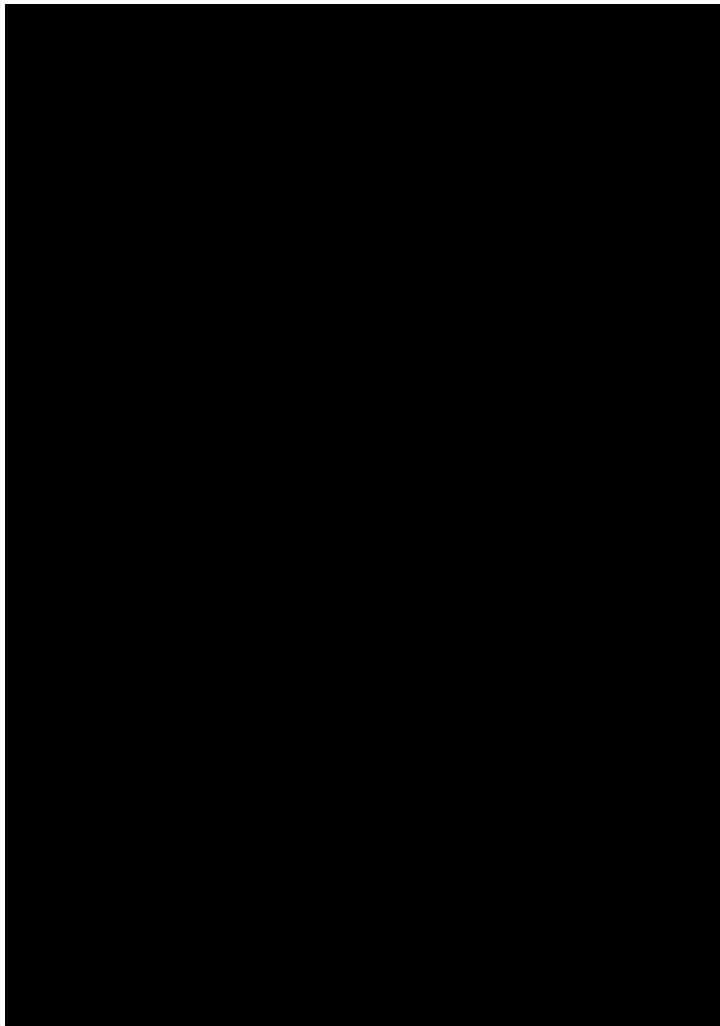
**Subject:** [REDACTED] - On behalf of Dow Investments plc [REDACTED]

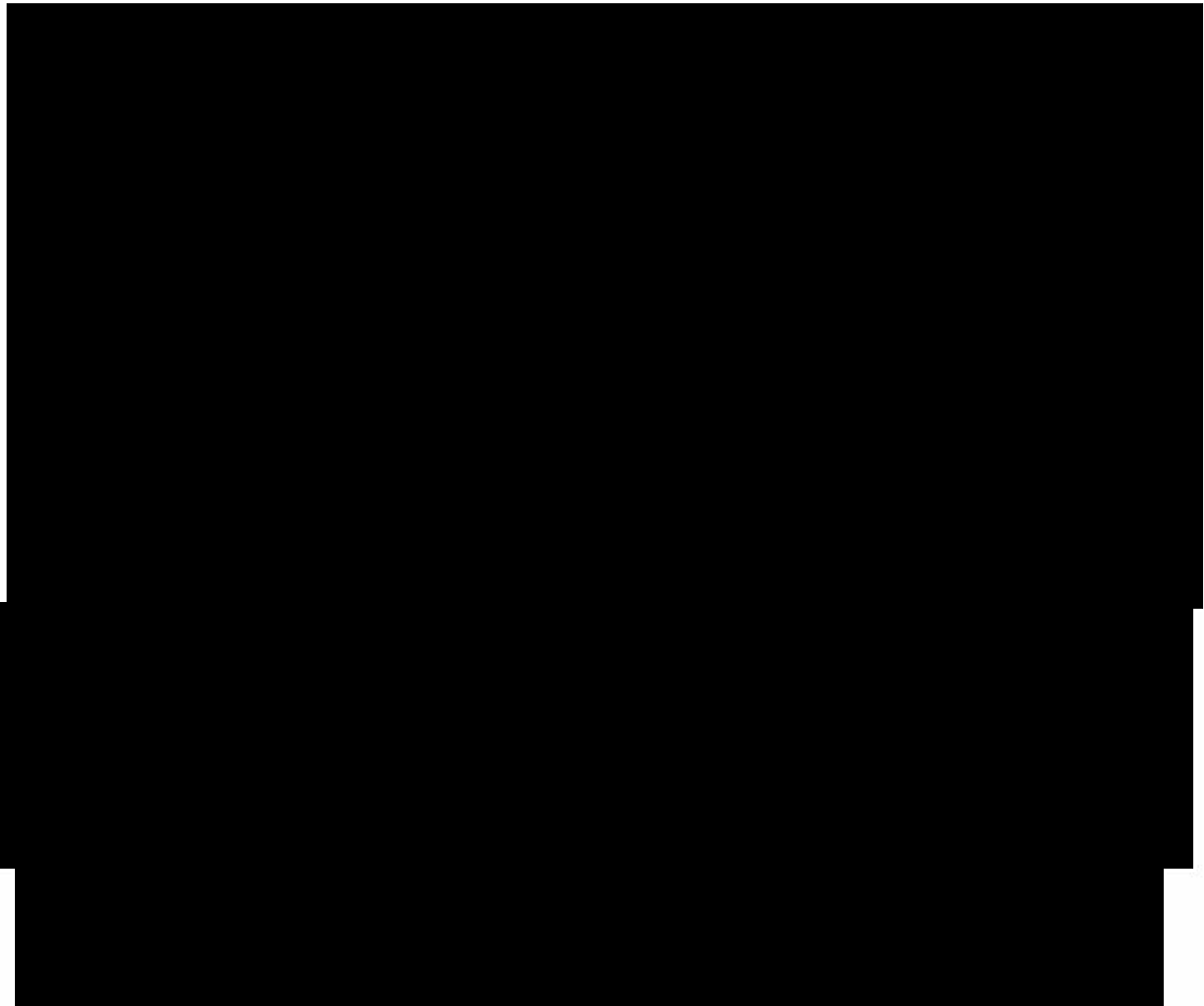
Dear Sir/Madam

Please see attached a letter which has also been issued by post.

Please confirm safe receipt.

Yours faithfully





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