

Network Manager South
Transport Scotland

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Donald McHarrie
dmcharrie@aol.com

Your ref:

Our ref:
202000066548

Date:
18 August 2020

Dear Mr McHarrie,

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

Thank you for your request dated 26 July under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You asked for "how many times has the A77 and A75 have been closed with diversions in place over the past five years, and to date this year. With the reason why for the closure and what was the official diversion route given?"

Following clarifications you reduced the scope of your request to cover the financial years of 2017/18, 2018/19 and 2019/20. You also asked for the same information to cover the period 1 April 2020 until 29 July 2020.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Response to your request

I can confirm that between 1 April 2017 and 26 July 2020 the A77 was closed, with diversions in place, on 204 occasions. Of these 204 closures, 28 were as a result of incidents on the network and

176 were due to roadworks. Over the same period the A75 was closed with diversions in place on 48 Occasions. 15 of these closures were as a result of incidents on the network and 33 were due to road works.

With regards to the actual diversion routes utilised, while our aim is to provide information whenever possible, in this instance Transport Scotland does not have some of the information you have requested. Therefore we are refusing part of your request under the exception at regulation 10(4)(a) of the EIRs. This is because we do not hold all diversion routes that have been used.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in diversion routes, clearly we cannot provide information which we do not hold.

However, please see annexes to this response for the details of the diversions that we do hold. An exception under regulation 11(2) of the EIRs (personal information) applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.

Your right to request a review

I hope this is helpful, but if you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to the Chief Executive at the above address or alternatively email chiefexecutive@transport.gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Yours sincerely



Douglas Laird
Network Manager South