

Case study



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Local academic seeks information on discussions behind the choice of route for a major new Aberdeen road.

In December 2005, Professor A D Hawkins asked Transport Scotland for information on the discussions which took place during November 2005 with Ministers, in relation to the choice of route for the new Aberdeen Western Peripheral Route.

Some information was provided, but other documents were withheld under the FOI Act, as Transport Scotland felt that its release would harm the effective conduct of public affairs. They also claimed exemptions relating to ministerial communications and the development of government policy during the Commissioner's investigation.

The Commissioner concluded that the case should have been determined under the Environmental Information (Scotland) Regulations 2004 (EIRs), which is a separate access regime which applies to environmental information.

He went on to decide that relevant exemptions under the FOI Act, and exceptions under the EIRs, did apply to the information which Transport Scotland had withheld.

However, he decided that it was in the public interest for the information to be disclosed to Professor Hawkins.

Following the release of the Commissioner's decision, Professor Hawkins made further requests to Scottish Ministers for information which they held about the Aberdeen Western Peripheral Route.

He reports that these requests were successful: he was able to access more information which helped him better understand the decision that had been taken. Professor Hawkins is a keen advocate of the use of freedom of information law – he considers that the system works remarkably well.

Download full decision here:

<http://www.itspublicknowledge.info/applicationsanddecisions/Decisions/2007/200600654.asp>

For more information please contact the Policy & Information Team on 01334 464610.