

# Case Study



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Group uses FOI to explore the reason behind a decision not to support a community buy-out.

In March 2005, Mr Luyken requested that the (then) Scottish Executive provide him with a copy of a full report that served as the basis for the decision by Scottish Ministers not to consent to a community buy-out of the Drumrunie Forest Estate under the Land Reform (Scotland) Act 2003. In making his request Mr Luyken was acting as a representative of the Coigeach Community Company Ltd.

Mr Luyken argued that the decision to refuse the buy-out, while granting the right to a neighbouring foundation, raised questions about the way in which the Land Reform legislation was operating. Mr Luyken also went on to make a second request for the report prepared in relation to the neighbouring foundation's buy out.

In both cases, the Commissioner found that the Scottish Executive had inappropriately argued that the release of the information would be likely to harm the effective conduct of public affairs.

As a result, the Commissioner ordered that both reports be released to Mr Luyken.

**Download full decisions here:**

[www.itspublicknowledge.info/applicationsanddecisions/Decisions/2006/200600368.asp](http://www.itspublicknowledge.info/applicationsanddecisions/Decisions/2006/200600368.asp)

[www.itspublicknowledge.info/applicationsanddecisions/Decisions/2005/200502196.asp](http://www.itspublicknowledge.info/applicationsanddecisions/Decisions/2005/200502196.asp)

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