

Case Study



www.itspublicknowledge.info

Local resident uses FOI in campaign against windfarm proposal.

In 2005 Ms Thorne requested details of the supporters and objectors to a planning application for a wind farm at Drumderg, Bridge of Cally, Blairgowrie from Perth and Kinross Council.

Ms Thorne had been actively campaigning against the windfarm, and sought details of those who had made submissions to the planning process in order to rally the support of objectors, and engage in dialogue with supporters.

The Council refused the request, claiming that the release of these names and addresses could be withheld under the FOI Act because release would breach the Data Protection Act 1998 (the DPA). (The FOI Act contains a provision which exempts information from release if it can be shown that doing so would breach the DPA.)

The Scottish Information Commissioner found however, that the circumstances in which the submissions were made (as part of the planning process) meant that the individuals concerned would have an expectation that this information would be in the public domain. The Commissioner therefore found that release of this personal information would not breach the DPA.

The Commissioner ordered the release of the names and address of supporters and objectors in July 2005.

Planning approval was ultimately granted for the Drumderg windfarm, and this has since been constructed.

Ms Thorne, however, believes that FOI was a valuable resource in her campaign against the Drumderg farm, and she has since supported others in using FOI in similar circumstances.

Commissioner's Decision:

www.itspublicknowledge.info/applicationsanddecisions/Decisions/2005/200500646.asp

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