

Environmental Standards Scotland
Ìrean Àrainneachdail na h-Alba

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ENVIRONMENTAL
Standards Scotland
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07 July 2026

Our ref: ESS.IR.038 Part 2

Your reference: EIR review request of ESS.IR.032 Part 2

Dear ██████████,

We note that you have formally requested an internal review of ESS's responses to your information request ESS.IR.032, received on 26 May 2026, in respect of Parts 1, 2, 3, and 4.

Because we responded separately to each part of your request, we will also respond separately to each part of your review request.

The information you requested in part 2 is as follows:

'Part 2: Communications Relating to Environmental Resource Center Scotland (ERCS)

- 1. All internal communications (including emails, meeting minutes, briefings, memoranda, instant messages, or notes) in which Environmental Resource Center Scotland (ERCS) is mentioned or discussed by any ESS staff member, from March 2024 to the date of this request.*
- 2. All correspondence sent or received by ESS to or from ERCS during the same period.*
- 3. Any internal assessments, opinions, briefings, or records concerning ESS' role,*

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standing, or the nature of referrals or matters connected with ERCS.'

We had responded to your initial request in terms of the Freedom of Information (Scotland) Act 2002 ("FOISA"). However, on review, we consider that the information you requested can properly be characterised as "environmental information" in terms of regulation 2(1) of the EIRs. We believe that the information covered by the request is information which relates to measures (including administrative measures as referred to in paragraph (c)) affecting or likely to affect the elements and factors referred to in paragraph (a) of that definition. Consequently, we consider the information to comprise in its entirety environmental information, as defined in regulation 2(1) of the EIRs (particularly paragraphs (a) and (c) of that definition).

We are therefore applying the exemption in section 39(2) of FOISA to allow your request to be considered solely under the EIRs. We recognise that this exemption is subject to the public interest test set out in section 2(2) of FOISA and have therefore applied the public interest test in this case. We consider that as there is a right of access to the information under the EIRs, the public interest in maintaining the exemption outweighs the interest in disclosing the information under FOISA.

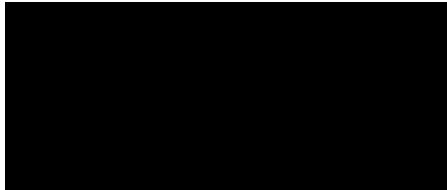
Taking this into account ESS will now look at your request under EIRs and note that you state you are willing to work with ESS to form a more targeted starting point to allow a more limited request. ESS have therefore created a new case reference, ESS.IR.041 and will be in touch shortly to define the scope of this request.

If you are dissatisfied with this response to your review request, you have a right of appeal to the Scottish Information Commissioner within six months of this review response. The Scottish Information Commissioner's guidance on making an appeal describes the process, including the application form. Further information, including relevant contact details is available on the website:

www.itspublicknowledge.info/Appeal

If you are dissatisfied with the decision of the Scottish Information Commissioner, following an appeal to the Scottish Information Commissioner, you have a right of appeal to the Court of Session on a point of law.

Yours sincerely,



Mark Roberts
Chief Executive