

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-0605 - Flooding (1 of 2)
Date: 19 May 2017 14:43:17
Attachments: [Further Information - Right to Review & Appeal.pdf](#)
[EIR-17-0605 - Biennial Report No.1 Redacted.pdf](#)
[EIR-17-0605 - Biennial Report No.2 Redacted.pdf](#)
[EIR-17-0605 - Biennial Report No.4 Redacted.pdf](#)

Dear [REDACTED]

Thank you for your information request of 20 April 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

Please note, due to the size of the attachments, this response will be sent in 2 emails. This is email 1 of 2.

I would be grateful if you could provide me with a full copy of the Flood Prevention Report 2009, 7th Biennial Report and the previous 6 Biennial Reports and any biennial reports following this one in 2009.

The full 2009 Report was attached with original request (EIR-17-0479 – found here <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=75622&SID=28611>). Others requested have been attached.

Please note, we are unable to find a copy of Biennial Report No.3. As such, this one is no longer held by ACC. There are also no further reports held after 2009.

ACC is unable to provide you with information on **Biennial Report No.3 and any reports after 2009** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

In addition to this I note there was a Flood Incident Site Survey and Inspection following the incident on 25 August 2012 (at page 1 of Appendix A attached). I would be grateful if you could advise if there were flood incident site surveys and inspections following all (or any of the other) flooding incidents

An inspection of the flood event of 25 August 2012 was undertaken on 30 August 2012 and a report written which has been attached in appendix A

Third party names and personal details, as well as the names of ACC Officers who are below Head of Service level have been redacted (blacked out) from the attached correspondence. This is because ACC considers that this information is excepted from disclosure.

In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby give notice that we are refusing your request under the terms of Regulation 11(2) in conjunction with Regulation 11(3)(a)(i) – Personal Information – of the EIRs.

In making this decision ACC considered the following points:

ACC is of the opinion that Regulation 11(2) applies to the information specified above as the information in question is personal information relating to living individuals, and the applicant is not the data subject.

ACC is of the opinion that Regulation 11(3)(a)(i) applies, as ACC considers that disclosure of this information would be a breach of the first Data Protection Principle (that personal information must be processed fairly and lawfully). Third parties named within the attached document and ACC Officers below Head of Service level would not expect ACC to release this information about them into the public domain under the EIRs (or the Freedom of Information (Scotland) Act 2002).

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.

Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

www.aberdeencity.gov.uk

We wish to advise you that the information which was released with this response is too large to be uploaded to our disclosure log. If you are interested in viewing the attachment, please contact us at foienquiries@aberdeencity.gov.uk, quoting the appropriate reference number, and we will provide you with a copy.