

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-0646 - Wellington Brae Works
Date: 26 May 2017 10:54:52
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED],

Thank you for your information request of 27 April 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

In the context of repair work on Wellington Brae cycle path in Aberdeen, please:

- **Provide me with electronic copies of any documents (including, but not limited to, emails, memos, reports) related to repair work required on Wellington Brae cycle path between January 2016 and present**
- **Provide me with electronic copies of any documents (including but not limited to emails, memos, reports) sent to or received by Councillor William Young, that include or relate to discussions around ownership of land at Wellington Brae, or repairs at Wellington Brae between January 2016 and present**
- **Provide me with electronic copies of any documents (including but not limited to emails, memos, reports) sent to or received by Aberdeen City Council officers that include or relate to discussions around ownership of land at Wellington Brae, or repairs at Wellington Brae between January 2016 and present.**

ACC is unable to provide you with information on **electronic copies of any documents related to repair work required on Wellington Brae cycle path, documents sent to or received by Councillor William Young, that include or relate to discussions around ownership of land at Wellington Brae, or repairs at Wellington Brae or documents sent to or received by Aberdeen City Council officers that include or relate to discussions around ownership of land at Wellington Brae, or repairs at Wellington Brae between January 2016 and present** as it is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 10(5)(b) – The Course of Justice - of the EIRs.

In making this decision ACC considered the following points:

ACC is of the view that providing this information would or would be likely to prejudice substantially the ability of individual(s) to receive a fair trial or the ability of ACC to conduct an inquiry of a criminal or disciplinary nature.

There is an investigation currently ongoing into this matter and any disclosure of this information may impact upon the administration of justice.

Whilst ACC recognises that there is a public interest in the release of this information as it would allow ensuring transparency and accountability of ACC's functions, it considers that it is not in the public interest for ACC to release information before investigations are concluded. To do so at this time would significantly impede the ongoing investigation.

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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