**Thesis Access Restriction Request Form**

**Name:**

**Thesis Title:**

I wish to restrict access to my Thesis for the period of \_\_\_\_\_\_\_\_\_ on grounds of exemption(s) allowed under the Freedom of Information (Scotland) Act 2002 (FoISA) and/or the Environmental Information (Scotland) Regulations (2004) (EIR) as specified below. I understand that, notwithstanding any grant of approval to restrict access, the University may nonetheless be required to disclose the Thesis in whole or in part under this legislation.

For a definition of “environmental” information please see Appendix A

For advice or assistance in completing this form please contact the Records Management Office on x6672/6670, records.management@stir.ac.uk

1. **Exemptions under the Freedom of Information (Scotland) Act 2002**

The FoISA governs access to all information held by a public authority, other than “environmental information”. If the information in your Thesis is non-environmental you should consider whether any of the exemptions detailed in this section apply.

For further information on the application of these exemptions see guidance provided by the Scottish Information Commissioner at: <http://www.itspublicknowledge.info/legislation/briefings/briefings.htm>

**Please continue on a separate sheet if necessary.**

**FoISA S.27 Information intended for future publication**

**27(1):**

**The information contained in the Thesis is intended for future publication within 12 weeks of today’s date.**

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

**27(2):**

**The information contained in the Thesis has been obtained in the course of, or derived from, a programme of research which is continuing with a view to a report of that research being published AND disclosure of the information before the date of publication would, or would be likely to, substantially prejudice the programme, the interests of any individual participating in the programme, the interests of the authority holding the information.**

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

**FoISA S.33 Commercial interests and the economy**

**33(1)(a)**

**The information contained in the Thesis constitutes a trade secret.**

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

**33(1)(b)**

**Disclosure of the information contained in the Thesis would, or would be likely to, substantially prejudice the commercial interests of any person (my own or a third party’s). ­­­**

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

**FoISA S.36 Confidentiality**

**36(2)**

**Disclosure of the information contained in the Thesis would constitute an actionable breach of confidence by a third party. ­­­­**

Please give details below.

**FoISA S.38 Personal Information**

**38(1)(b)**

**The Thesis contains personal data as defined by the Data Protection Act 1998 and its disclosure would breach any of the Data Protection Principles.** (see the University’s Guide to Data Protection at: <http://www.guides.stir.ac.uk/dataprotectionguide.htm> for definitions)

 **­­­**

Please give details below.

**FoISA S.39 Health, Safety and the Environment**

**39(1)**

**Disclosure of the information contained in the Thesis would, or would be likely to, endanger the physical or mental health or the safety of an individual. ­­­­**

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

1. **Exceptions under the Environmental Information (Scotland) Regulations 2004**

The EIRs govern access to “environmental” information held by public authorities. If the information in your Thesis meets the definition of environmental as given in Appendix A, you should consider whether any of the exceptions detailed in this section apply.

For further information on the EIRs and application of these exceptions see draft guidance provided by the Scottish Executive at:

<http://www.scotland.gov.uk/consultations/environment/ateic-04.asp>

**EIR S.10(4)(d) Material Still in the Course of Completion**

**The Thesis constitutes material which is still in the course of completion, unfinished documents or incomplete data.**

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

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**EIR S.10(5)(c) Intellectual Property Rights**

**Disclosure of the information contained in the Thesis would, or would be likely to, prejudice substantially the intellectual property rights of myself or a third party.**

Please give details below, specifying the IPR and the harm which would be caused. (For definitions of Intellectual Property see the Intellectual Property Regulations for Staff and Students in the University Calendar VII-27.)

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

**EIR S.10(5)(e) Confidentiality of Commercial or Industrial Information**

**Disclosure of the information contained in the Thesis would, or would be likely to, prejudice substantially the confidentiality of commercial or industrial information where such confidentiality is provided for by law.**

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

**EIR S.10(5)(f) Interests of the Person Providing Information**

**Disclosure of the information contained in the Thesis would, or would be likely to, prejudice substantially the interests of the person who provided the information where they were not under any legal obligation to supply it, did not supply it with a view to its disclosure and have not consented to its disclosure.**

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

**EIR S.10(5)(g) Protection of the Environment**

**Disclosure of the information contained in the Thesis would, or would be likely to, prejudice substantially the protection of the environment to which the information relates.**

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

**EIR S.11 Personal Data**

**The Thesis contains personal data as defined by the Data Protection Act 1998 and its disclosure would breach any of the Data Protection Principles.**  (see the University’s Guide to Data Protection at: <http://www.guides.stir.ac.uk/dataprotectionguide.htm> for definitions)

Please give details below.

Please explain why the public interest in non-disclosure is greater than the public interest in disclosure.

**Other**

**Please give details of any other basis for exemption not covered in sections 1 and 2 above.**

**Signed:**

**Date:**

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**Appendix A: Definition of Environmental Information**

**The following is the definition of Environmental Information provided in the Scottish Executive guidance document:** **“Access to Environmental Information – Guidance for Scottish Public Authorities and Interested Parties on the Implementation of the Environmental Information (Scotland) Regulations 2004.”**

“The definition of environmental information is very broad and includes information in written, visual, audio taped or database form on:

* the state of elements of the environment — such as air, water, soil, land, landscape and natural sites, flora and fauna, including cattle, crops, GMOs, wildlife and biological diversity — and it includes any interaction between them.
* any factor such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment affecting or likely to affect the state of the elements of environment or any interaction between them
* measures and activities affecting or likely to affect, or intended to protect the state of the elements of the environment and the interaction between them. This includes administrative measures, policies, legislation, plans, programmes and environmental agreements
* reports on the implementation of environmental legislation
* cost benefit and other economic analysis used in environmental decision making
* the state of human health and safety, conditions of human life, the food chain, cultural sites and built structures, which are, or likely to be affected by the state of the elements of the environment and the interaction between them

18. In more detail:-

**Air** includes the air contained by any building and any other natural or man-made structures either above or below the ground-level. It also include systems such as air-conditioning

**Water** includes underground as well as surface waters irrespective of whether they are natural or man-made in design. It also includes sewage and foul water, inland waters, rivers, canals, lakes, estuaries and seas.

**Soil** should also take in the upper layer of the mantle rock in which plants grow.

**Land and Landscape** includes all land surfaces, buildings, and underground layers or land covered by water.

**Natural Site** includes areas identified by reason of their flora, fauna, geographical or physiographical features for example sites of special scientific interest or areas of natural outstanding beauty.

**Biological diversity** includes both flora and fauna, living or dead

**Human health and safety and conditions of human life** includes human responses to physical, chemical and biological agents delivered through environmental media of water, air, land, and biodiversity etc

**Built structures** should include roads and other infrastructures

**State** includes physical, chemical and biological conditions

**Emissions** includes discharges and other releases into the environment wheneverthey occur including the direct or indirect release of substances, vibrations, or noise from individual or diffuse sources into or onto air, water or land

**Measures** includes administrative measures and environmental management programmes such as permit schemes, management contracts; and environmental information may be utilised in other measures such as land-use planning regimes and permits, regeneration and transport development plans and proposals.

**Effects** includes direct and indirect effects

**Economic analyses** includes financial analyses

19. For the purpose of these regulations, information may relate to anywhere in the world.”