

**ANNEX****REASONS FOR NOT PROVIDING INFORMATION**Exemptions apply, not subject to the public interest test

An exemption under section 25(1) of FOISA applies to some of the information you have requested because it is otherwise accessible and can be obtained without making a request for it. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption. Specifically, one of the the 'loan drawdown assurance reports, documents or otherwise' within the range of dates you requested was published on 4 September 2019 and can be found via the link below:

FOI/201900003779 - <https://www.gov.scot/publications/foi-201900003779/>

An exemption under section 38(1)(b) of FOISA (personal information) also applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is also not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

Exemptions apply, subject to the public interest test

An exemption under section 27(1) of FOISA applies to some the information requested because we intend to publish that information within 12 weeks of the date of your request. This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is some public interest in release because of Scottish Government's involvement with Ferguson Marine, and this will be met by our planned publication. In the meantime, there is a greater public interest in taking the time necessary to ensure the information has been properly collated and checked before it is published as planned. Also, we see no public interest in disrupting our programme of work to release the information ahead of the intended publication date.