

REASONS FOR NOT PROVIDING INFORMATION

An exemption applies

An exemption under section s.38(1)(b) of FOISA applies to some of the information you have requested. This applies to personal information and/or to staff who are below Senior Civil Service.

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.

An exemption applies, subject to the public interest test

An exemption under sections s.29(1)(a) and s.30(b)(i) of FOISA applies to some of the information you have requested.

These exemptions are 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 it supports the principles of the Scottish Government being open and transparent. However, this is outweighed by the public interest in that its release would inhibit free and frank advice from officials to Ministers.