

Section 25 – Information otherwise accessible

Section 25 of the Freedom of Information (Scotland) Act 2002 (FOISA) exempts information from disclosure where the requester can reasonably obtain the information without asking for it under FOISA. It has a different focus from most other exemptions. It is not about withholding information from the public; it recognises that where information is already available, there is no need to provide an alternative right of access to it through FOISA.

Where the exemption applies, authorities should tell the requester why they believe the information is available through other means. This will normally include telling the requester where they can obtain the information.

Section 32(1)(a) – International Relations

An exemption under section 32(1)(a) of FOISA applies to some of the information you have requested. This section exempts information on the basis that disclosure of the information would, or would be likely to, prejudice substantially relations between the UK and any international organisation.

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 a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in maintaining good relations between the Scottish Government, the UK Government and international organisations, to ensure that matters of mutual interest, such as COP26 can be delivered effectively. There is no public interest in disclosing information when that will damage relationships and disrupt future communications.

Section 38(1)(b) – Personal Information

Some information has been redacted from the Annex provided as it is personal data consisting of names and contact details of individuals which is exempt from disclosure under section 38(1)(b) (personal information).

Section 38(1)(b) can be applied when disclosure of the information requested would contravene the data protection principles in Article 5(1) of the GDPR. 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.