

Section 27(1) – information intended for future publication

An exemption under section 27(1) of FOISA applies to the System Roadmap (in place of an annual business plan) information requested because we intend to publish that information by 31 July 2020 which is within 12 weeks of the date of your request. We consider that it is reasonable to withhold the information until that date, rather than release this information before the planned publication date.

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 the future plans for Education Scotland’s digital services is of relevance to others involved with or interested in education in Scotland 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. Additionally, we have a statutory duty to lay our annual accounts in Parliament before these are published.

Section 38(1)(b) - personal information

An exemption under section 38(1)(b) of FOISA (personal information) applies to some of the information requested (Organisation Chart) because it is personal data of a third party, ie names of individuals, 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 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.