

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. Where third party information such as email addresses or names of some individuals are included in the text they have been redacted.

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 under section 25 information already accessible applies to some of the information you have requested. One is the recent Scottish Welfare Fund briefing published by the Poverty and Inequality Commission and the Parliamentary Question ('To ask the Scottish Government for what reason the Scottish welfare fund is reportedly being underutilised' (S5T-02357)). I will not be releasing this information again as these documents are already accessible to you.

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

Exemptions under section s.30(b)(i) and s.30(b)(ii) of FOISA apply to some of the information you have requested. These exemptions refer to free and frank exchange of advice as well as free and frank provision of views between Scottish Government officials, Ministers and third parties for the purposes of advice and deliberations.

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 as part of an open and transparent Government. However, this is outweighed by the public interest in ensuring that there is adequate private space within Government for officials to provide advice and exchange views freely on sensitive issues.

An exemption under section s.30(c) of FOISA (prejudice to effective conduct of public affairs) also applies to some of the information requested.

This exemption is also subject to the 'public interest test'. Again, 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 as part of open, transparent and accountable government, and to inform public debate. However, this is outweighed by the public interest in allowing a private space within which officials can have frank discussion for the effective conduct of public affairs. We took the view that disclosure, and the consequent likely impact on relationships with stakeholders, could harm the Scottish Government's ability to carry out

its work in this area and were the exemption not upheld it is likely that officials would be inhibited from providing or exchanging views on sensitive issues.

