

## ANNEX

### REASON FOR NOT PROVIDING INFORMATION

An exception applies:

**Regulation 10(4)(a) – A Scottish public authority may refuse to make environmental information available to the extent that (a) it does not hold that information when an applicant’s request is received.**

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you requested in point 2 of your request above. The information is due to be submitted to Marine Scotland by 1 March 2021.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in the information you requested in point 2 of your request above, clearly we cannot provide information which we do not hold.