

REASONS FOR NOT PROVIDING INFORMATION

Exemptions apply, subject to the public interest test

An exemption under **s.25(1) (information otherwise accessible)** of FOISA applies to some of the information requested. This 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.

This is not subject to the public interest test.

An exemption under **s.29(1)(a) (formulation or development of Scottish Government policy)** of FOISA applies to some of the information you have requested. Information withheld relates to initial and current thinking on this policy, and the outcomes that the Scottish Government wants to see.

This exemption is subject to the 'public interest test'. Hence, 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 due to interest in the Universal Basic Income. Nonetheless, this is outweighed by the public interest in allowing the ongoing process of policy development.

Exemptions under **s.30(b)(i) (free and frank provision of advice)** and **s.30(b)(ii) (free and frank exchange of views)** of FOISA applies to some of the information you have requested. Policy development of a Universal Basic Income is ongoing. Consequently, information has been shared between officials and Ministers for the purposes of obtaining advice and guidance in the various stages of development.

This exemption is subject to the 'public interest test'. 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 given the reach of this policy. Even so, there is a greater public interest in high quality decision-making, and in the properly considered implementation and development of decisions. This means, Ministers and officials need to be able to consider all available options, and debate those rigorously to fully understand their possible implications. Furthermore, there is also a greater public interest in allowing a private and safe space within which officials can provide full and frank advice to Ministers and other officials.

An exemption under section **s.38(1)(b) (personal information)** of FOISA applies to some of the information you have requested. The personal information, including names and contact details of officials is their own personal information, and is therefore exempt under FOISA. This exemption is not subject to the 'public interest test', thus, we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot