

ANNEX

REASONS FOR NOT PROVIDING INFORMATION

The Scottish Government does not have the information

The Scottish Government does not have the information you have asked for because no emails as specified in the first three parts of your request were found in the searches carried out in the relevant inboxes.

This is a formal notice under section 17(1) of FOISA that the Scottish Government does not have the information you have requested.

An exemption applies

An exemption under section 38((1)(b) (personal information) of FOISA applies to some of the information you have requested. This includes personal details of civil servants below SCS grade and the personal e-mail addresses and telephone numbers of the SCS civil servants named in the emails released.

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

An exemption under section 30(b)(ii) (the free and frank exchange of views for the purposes of deliberation) of FOISA applies to some of the information you have requested.

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 disclosing information as part of open, transparent and accountable government and to inform public debate. However, there is a greater public interest in allowing a private space within which officials can exchange free and frank advice and views in the development of a settled public position. Disclosure of this type of information could lead to a reduction in the comprehensiveness and frankness of such advice and views in the future which would not be in the public interest.