

Annex A

CDL/FMs Call 6 January 2021

Attendees

Chancellor of the Duchy of Lancaster (CDL)
First Minister of Scotland (FM Scotland)
First Minister of Wales (FM Wales)
First Minister of Northern Ireland (FM NI)
Secretary of State for Northern Ireland (SoS NI)
Health Minister of Northern Ireland
CMO Scotland
CMO Wales
CMO NI
DCMO England

CDL/FMs Call 13 January 2021

Attendees

CDL
FM Scotland
FM Wales
FM NI
dFM NI
MoH NI

CDL/FMs Call 27 January 2021

Attendees

CDL
FM Scotland
FM Wales
FM NI
dFM NI
MoH NI



Annex B

REASONS FOR NOT PROVIDING INFORMATION

Section 25 – information otherwise available

Under section 25(1) of FOISA, we do not have to give you information which is already reasonably accessible to you. If, however, you do not have internet access to obtain this information from the website listed, then please contact me again and I will send you a paper copy.

Much of the information contained in the briefing notes you have asked for can be found by following the links below:

[Coronavirus \(COVID-19\): modelling the epidemic - gov.scot \(www.gov.scot\)](http://www.gov.scot)

[COVID-19 weekly report for Scotland - COVID-19 data and intelligence - COVID-19 - Our areas of work - Public Health Scotland](#)

[Daily summary | Coronavirus in the UK \(data.gov.uk\)](http://data.gov.uk)

Section 27 – information intended for future publication

An exemption under section(s) 27(1) of FOISA applies to some of the information you have requested. This exemption can be applied when it is the intention of the relevant Scottish public authority to publish the information no later than 12 weeks after the date on which the request was made.

Further information contained in the briefing notes will be available on the links below

[Coronavirus \(COVID-19\): modelling the epidemic - gov.scot \(www.gov.scot\)](http://www.gov.scot)

[COVID-19 weekly report for Scotland - COVID-19 data and intelligence - COVID-19 - Our areas of work - Public Health Scotland](#)

Section 28 – relations within the United Kingdom

An exemption under section 28 of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to relations within the United Kingdom.

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 a 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 high quality policy and decision-making, and in the properly considered

implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions will be disclosed in the near future, when it may affect relations within the United Kingdom.

Section 29 – Formulation of government policy

An exemption under section 29 of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to development of government policy.

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 a 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 high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications.

Section 30(b)(i) – free and frank provision of advice

An exemption under section 30(b)(i) of FOISA (free and frank provision of advice) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to Ministers before the Scottish Government reaches a settled public view. Disclosing the content of free and frank advice will substantially inhibit the provision of such advice in the future, particularly because these discussions are still ongoing and decisions have not been taken, and these discussions relate to sensitive or important issues.

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 a 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 provide full and frank advice to Ministers, as part of the process of exploring and refining the Government’s policy position on question testing, until the Government as a whole can adopt a policy that is sound and likely to be effective. This private thinking space is essential to enable all options to be properly considered, based on the best available advice, so that good policy decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the policy making process, which would not be in the public interest.

Section 30(b)(ii) – free and frank exchange of views for the purposes of deliberation

An exemption under section 30(b)(ii) of FOISA (free and frank exchange of views) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation. This exemption recognises the need for Ministers and officials to have a private space within which to discuss and explore options before the Scottish Government reaches a settled public view. Disclosing the content of free and frank discussions will substantially inhibit such discussions in the future, particularly because these discussions are still ongoing and decisions have not been taken, and these discussions relate to sensitive or important issues.

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 a 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 Ministers and officials a private space within which to explore and refine the Government’s policy position on question testing, until the Government as a whole can adopt a policy that is sound and likely to be effective. This private thinking space is essential to enable all options to be properly considered, so that good policy decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the policy making process, which would not be in the public interest.

Section 38(i)(b) - personal information

An exemption under section section 38(1)(b) of FOISA applies to some of the information you have requested because it is the personal data of a third party, i.e. names and contact details 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.

