REASONS FOR NOT PROVIDING INFORMATION

s.27(1) (information intended for future publication)

An exemption under section 27(1) of FOISA applies to some of the information you have requested. At the time of your request some of the information wasn't publicly available, but now is.

s.29(1)(a) (policy formulation)

An exemption under section 29(1)(a) of FOISA applies to some of the information you have requested. This exemption applies because disclosure would, or would be likely to, inhibit future policy formulation. 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.

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. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, 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 on the outcome of the meeting would substantially inhibit such discussions in the future, taking place with other NHS boards.

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. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which would not be in the public interest.

s.38(1)(b) (personal information)

An exemption under section 38(1)(b) of FOISA applies to some of the information you have requested.