

## **ANNEX REASONS FOR NOT PROVIDING INFORMATION**

### **Exemption under s.29(1)(a)**

An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information you have requested because the collection of data relates to the reviewing and development of the Scottish Government's 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 some public interest in release because of interest in an open and transparent government and in being accountable for disclosing the result of work funded via grant awards. However, this is outweighed by the public interest in ensuring the development of government policy can continue reviewing existing circumstances and ensuring exchanges of information are done freely and frankly. This work is also still in the early stages as the data has not been fully collated or analysed and so results have not yet been reached.

### **Exemptions under s.30(b)(i) and (ii)**

Exemptions under section 30(b) of FOISA (free and frank exchange) apply to some of the information you have requested because disclosure of information would, or would be likely to, cause substantial harm to the free and frank provision of views and advice. These exemptions recognise the need for candid discussion to take place within a private space so that views and advice can be given freely and frankly. These exemptions are 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 exemptions. We have found that, on balance, the public interest lies in favour of upholding the exemptions. We recognise that there is some public interest in release because of interest in an open and transparent government. However, this is outweighed by the public interest in continuing to ensure advice can be offered freely and frankly, enabling all options and concerns to be fully considered before the best final decision is reached. This includes when responding to requests for advice and views from external stakeholders for the purposes of deliberation.

### **Exemption under s.36(2)**

An exemption under section 36(2) of FOISA (confidentiality) applies to some of the information you have requested because disclosure of information would be considered a breach of confidence to release information given within the understanding it would not be forwarded to, seen or accessed by others. 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.

### **Exemption under s.38(1)(b)**

An exemption under section 38(1)(b) of FOISA applies to some of the information you have requested because it is personal data of a third party, for example names of individuals or other personal data such as email addresses, phone numbers and bank details. Disclosing this data would contravene the data protection principles in the UK

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.