

ANNEX A

REASONS FOR NOT PROVIDING INFORMATION

Regulation 11(2) – Personal data relating to a third party

An exception under regulation 11(2) of the EIRs (personal information) applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exception 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 exception.

Regulation 10(5)(e) – Confidentiality of commercial or industrial information

This exception applies to some of the information you have requested. This exception applies because disclosure of this particular information would, or would be likely to, prejudice substantially the confidentiality of commercial information provided by Kishorn Port Ltd or other companies/bodies and thus cause substantial harm to their commercial interests. Disclosure would reveal to competitors confidential details, including details of Kishorn Port's ongoing commercial interests and price breakdowns from suppliers.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is a public interest in disclosing information as part of open and transparent government, and to help account for the expenditure of public money. However, there is greater public interest in protecting the ongoing commercial interests of organisations by withholding the information concerned from their competitors. It is important to maintain and support the proper and efficient operation of free markets, which is of serious concern and benefit to the public.