

REASONS FOR NOT PROVIDING INFORMATION

An exception applies

Regulation 10(4)(a) - Information Not Held

This applies to item 3 in the table of engagements. The Scottish Government does not have the information you have requested because searches have not identified any documents relating to this meeting. 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. While we recognise that there may be some public interest in information about the Cabinet Secretary's meeting with Fisheries Management Scotland dated 17 June 2021, clearly we cannot provide information which we do not hold.

Regulation 10(4) (d) Incomplete Material

This exception applies to item 12 in the table of engagements. This exception concerns material in the course of completion, unfinished documents or incomplete data, and applies to some of the information you requested. This exception applies because to release the information at this stage would not demonstrate a conclusive policy outcome.

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 some public interest in release as part of open, transparent and accountable government. However, this is outweighed by the strong public interest in maintaining the right to reach a conclusive policy outcome before official documents are released.

Regulation 10(4)(e) - Internal Communications

This exception applies to items 1, 2, 4, 5, 6, 7, 8, 9, 11 and 13 in the table of engagements. Documents identified relating to these meetings are Ministerial briefings and internal discussions between Scottish Government officials related to these engagements. 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, 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 on aquaculture will be disclosed in the near future, when it may undermine or constrain the Government's view on that issue while it is still under discussion and development. They need full and candid advice from officials to enable them to do so. Premature 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.

Regulation 10(5)(f) – substantial prejudice to interests of person who provided the information

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

This exception applies to communications identified relating to item 13 in the table of engagements. A partially redacted version of this document is supplied. This exception applies because disclosure of this particular information would, or would be likely to, prejudice substantially the interests of Organic Sea Harvest who provided that information to the Scottish Government. They:

- were not under any legal obligation to give us that information;
- did not supply it in circumstances in which it could, apart from the EIRs, be made available; and
- have not consented to disclosure.

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. However, there is a greater public interest in protecting the interests of anyone, such as Organic Sea Harvest, who provides the Scottish Government with information on a confidential basis. Disclosing such information against the express wishes of the stakeholder is likely to undermine their trust in the Government and make them reluctant in future to share information with us on issues such as aquaculture development. This would significantly impair the Scottish Government's ability to develop policies and make decisions on the basis of fully informed advice and evidence. This would not be in the public interest.