

REASONS FOR NOT PROVIDING INFORMATION

Exemptions apply, subject to the public interest test

30(b)(ii) - substantial inhibition to free and frank exchange of views

An exemption under section 30(b)(ii) of FOISA (substantial inhibition to free and frank exchange of views) applies to some of the information requested because the information relates to deliberation/exchanges of views on particular issues. 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 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 disclosing information as part of open, transparent and accountable government, and to inform public debate. However, this is outweighed by the view that there is a greater public interest in ensuring officials – both within Scottish Government and in other stakeholders with which we engage – have the freedom to express, exchange and deliberate views on topics of sensitivity. There are several factors to this weighting, including: the circumstances in which the views were given (during policy formulation around sub national approaches to/roles in tackling climate change); and timing, when disclosure could harm both the development of such approaches and inhibit officials' future exchange of views.

Section 33(1)(b) (Substantial prejudice to commercial interests)

An exemption under section 32(1)(a)(i) of FOISA (substantial prejudice to commercial interests) applies to some of the information requested because disclosure would, or would be likely to, prejudice substantially the commercial interests of OD PARC. 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 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 disclosing information as part of open, transparent and accountable government, and to inform public debate. However, this is outweighed by the view that disclosure of this information may affect commercial interests.