

## Annex

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

**An exception under regulation 10(5)(b) (the course of justice) of the EIRs applies to some of the information you have requested.**

This exception applies as release of this information would, or would be likely to, cause significant detriment to an on-going investigation.

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 because there may be some public interest in ordinance clearance activity. However, this is outweighed by the public interest in the Scottish Government being able to conduct its operational and compliance activities without prejudice.

**An exception under regulation 11(2) (personal information of a third party) of the EIRs applies to some of the information you have requested.**

Regulation 11(2) – To the extent that environmental information requested includes personal data of which the applicant is not the data subject and in relation to which either the first or second condition set out in paragraphs (3) and (4) is satisfied, a Scottish public authority shall not make the personal data available.

An exception under regulation 11(2) of the EIRs (personal information of a third party) 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 Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018.

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.