

## REASONS FOR NOT PROVIDING INFORMATION

### **Section 33(1)(b) – Prejudice to Commercial Interests**

An exemption under section 33(1)(b) of FOISA applies to some of the information you have requested because it is likely to prejudice substantially the commercial interests of the parties. This exemption applies because disclosure of this particular information would, or would be likely to, prejudice substantially the commercial interests of the commercial entities involved. This exemption is subject to the 'public interest test'. Therefore, taking into 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 to ensure full transparency. However, this is outweighed by the public interest as there is a risk to the companies commercial interests.

### **Section 38(1)(b) – Personal Data**

This exemption applies to some of the information requested because it is personal data of a third party, i.e. names and contact details, 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 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.

### **Section 25(1) – Information Otherwise Accessible**

This exemption states that a Scottish public authority does not need to provide information requested under FOISA if that information is 'reasonably obtainable' to the requester by other means. This exemption is not about withholding the information from the public, but recognises that where information is already available to the requester, there is no need to provide an alternative right of access to it through FOISA.