

REASONS FOR NOT PROVIDING INFORMATION

Exemptions apply, subject to the public interest test

An exemption under **section 38(1)(b) of FOISA (personal information)** applies to some of the information requested because it is personal data of a third party, ie names/contact details of individuals, 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.

An exemption under **section 30(c) of FOISA (prejudice to effective conduct of public affairs)** applies to some of the information requested. Disclosing this information would substantially prejudice our ability to keep SASA's IT network secure because providing details about the information you have requested into the public domain could subsequently be used by threat actors, taking into consideration both the external and insider threat, to evade any controls we might or might not have in place. This could therefore enable them to target specific types of attack or data exfiltration methods and would constitute substantial prejudice to the effective conduct of public affairs. This would constitute substantial prejudice to the effective conduct of public affairs in terms of the exemption.

This exemption 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 exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government. However, there is a greater public interest in protecting the integrity of SASA's IT network and ensuring that the Scottish Government is able conduct this aspect of its business effectively.

An exemption under **section 33(1)(b) of FOISA (commercial interests)** applies to some of the information you have requested. This exemption applies because disclosure of this particular information would, or would be likely to, prejudice substantially the commercial interests of companies providing these services. Some contracts are still current and commercially confidential. Disclosing this information would be likely to significantly harm their commercial business.

This exemption 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 exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. 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, this is outweighed by the public interest in the ability to procure and ensure that the Scottish Government can gain best value contracts consistently.