

ANNEX A

REASONS FOR NOT PROVIDING INFORMATION

An exception applied- 10(4)(a)- Information not held.

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you have requested because Marine Scotland are currently beginning work to develop a policy framework for HPMA's and complete inshore and MPA fisheries management measures, therefore some of these questions will aim to be answered as the process continues to develop. In the meantime we have provided policy updates to questions to help answer your questions.

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 HPMA, MPA and PMF management areas and the highlighted questions, clearly we cannot provide information which we do not hold.

An exception applies – 10(4)(d) - Material in the course of completion, etc.

An exception under regulations 10(4)(d) of the EIRs applies to some of the information you have requested. This is because some of the information you requested is material which is still in the course of completion, or in some cases, unfinished documents. Marine Scotland are currently in the process of finalising numerous documents that related to several questions posed in this information request. Once documents are finalised and expected to be published, official will endeavour to send you links to reports when published. In the meantime we have provided policy updates to questions to help answer your questions.

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 public interest in ensuring that unfinished or incomplete information which is still in being worked on is not disclosed when it might misinform the public or give a misleading impression of the Government's view or position on the matter to which the information relates.

An exception applies – 10(4)(e) - Internal communications

While our aim is to provide information whenever possible, in this instance an exception under regulation 10(4)(e) of the EIRs (internal communications) applies to some of the information you have requested. This exception applies because the information is internal communications between Scottish Government Ministers and officials, ministerial briefings and internal planning process. In the meantime we have provided policy updates to questions to help answer your questions.

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 all of the information as part of open, transparent and accountable government, and to inform public debate. However, in relation to the free and frank policy advice there is a greater public interest in ensuring high quality policy and decision-making, and in avoiding officials being put off providing similar frank advice on this and other topics in future. 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 these discussions about HPMA, MPAs and PMFs and associated management measures will be disclosed in any future policy decisions on the matter, so release of this information would be likely to undermine the quality and level of detail of advice on the subject which is provided in future.