

REASONS FOR NOT PROVIDING INFORMATION

Exemptions apply under the following sections of FOISA:

Sections 30(b)(i) and 30(b)(ii) – free and frank exchange of views for the purposes of deliberation

We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate.

However, there is a greater public interest in allowing a private space within which officials can provide free and frank advice and views to Ministers in briefings. It is clearly in the public interest that Ministers can properly make decisions, potentially providing sound information to Parliament (to which they are accountable). They need full and candid advice from officials to enable them to do so. Disclosure of this type of information could lead to a reduction in the comprehensiveness and frankness of such advice and views in the future, which would not be in the public interest.

Section 30(c) – substantial prejudice to the effective conduct of public affairs

Disclosing this information would substantially prejudice the Scottish Government and/or the Bank's ability to conduct aspects of its operations.

We recognise that there is a public interest in disclosing information as part of open, transparent and accountable public bodies. However, there is a greater public interest in protecting the ability of the Bank and Scottish Governments to conduct aspects of their operation effectively by maintaining a private space to hold discussions on Board appointment matters. Disclosure of this type of information could impact negatively on policies and operation of the Bank, and ultimately Parliament (as the sole shareholder of the Bank).

Section 38(1)(b) (personal information)

This exemption applies to some of the information requested because it is personal data of a third party, i.e. the names and/or contact details of officials below SCS level and disclosing this 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.