

ANNEX

Exceptions applied:

10(4)(a) of the EIRs (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 no such reports on control measures have been published for west of Scotland in the last five years.

This exception is subject to the 'public interest test'. Despite not holding this information, we have a statutory obligation to apply this 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 control measures for the west of Scotland, clearly we cannot provide reports that we do not hold.

Regulation 11(2) – applicant has asked for personal data of a third party

An exception under regulation 11(2) of the EIRs (personal information) 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. You will note that this information has been redacted throughout the disclosed documents.