

Annex

REASONS FOR NOT PROVIDING INFORMATION

An exemption applies, subject to the public interest test

An exemption under section 35(1)(a) FOISA applies to a small amount of information because Police Scotland are currently investigating Scottish National Party funding and finances and disclosure would substantially prejudice that investigation.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, I have considered whether the public interest in disclosing the information outweighs the public interest in applying the exemption. I have found that, on balance, the public interest lies in favour of upholding the exemption. I recognise that there is some public interest in release as this could provide insight into Police Scotland investigations. However, I have concluded that there is a greater public interest in enabling Police Scotland to exercise their functions in relation to the prevention, detection or investigation of crime without those functions being prejudiced.

An exemption applies

An exemption under section 38(1)(b) of FOISA (personal information) applies to a small amount of the information requested because it is personal data of the names/contact details of more junior officials and third parties, 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.