

ANNEX - REASONS FOR NOT PROVIDING INFORMATION

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, i.e. names and 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.

The Scottish Government's policy is not to release details of officials below the level of Senior Civil Service or equivalent, therefore names have been redacted from the documents provided.

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 27(1) of FOISA (information intended for future publication) applies to some of the information requested because this information will be used in future reports that will be published within the next 12 weeks relating to the National Care Service regional forums.

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, and to inform public debate. However, there is a greater public interest in allowing the information to be used in future reports to give a clear and concise summary of the findings from the National Care Service regional forums as part of our co-design process.