

REASONS FOR NOT PROVIDING INFORMATION

Exemptions apply, subject to the public interest test

Exemptions under **s.29(1)(d) (the operation of any Ministerial private office)** of FOISA applies to some of the information you have requested. Information is exempt under section 29(1)(d) if it relates to the operation of any Ministerial private office (i.e. any part of the Scottish Administration which provides personal administrative support to a Minister).

Exemptions under **s. 30(b)(i) (the free and frank provision of advice)** of FOISA applies to some of the information you have requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views. This recognises the need for officials to have a private space in which to conduct frank discussion. This private and safe thinking space is essential to enable all options to be properly considered based on the best available advice so that good decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the decision making process, which would not be in the public interest.

The above exemptions are subject to the 'public interest test'. 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 some public interest in release, however there is a greater public interest in high quality decision-making, and in the properly considered implementation and development of decisions. This means, Ministers and officials need to be able to consider all available options, and debate those rigorously to fully understand their possible implications. Furthermore, there is also a greater public interest in allowing a private and safe space within which officials can provide full and frank advice to Ministers and other officials.

Exemptions apply not subject to the public interest test

An exemption under section **s.38(1)(b) (personal information)** of FOISA applies to some of the information you have requested. The personal information, including names and contact details of officials is their own personal information, and is therefore exempt under FOISA.

This exemption is not subject to the 'public interest test', thus, we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.