

REASONS FOR NOT PROVIDING INFORMATION

The Information is already publicly available and easily accessible.

Under regulation 6(1)(b) of the EIRs, the Scottish Government is not required to provide information which is already publicly available and easily accessible to you in another form or format. The Scottish Government has already published some of the information requested and relevant links have been made available in the response. If, however, you do not have internet access to obtain this information from the website(s) listed, then please contact me again and I will send you paper copies.

An exception applies

An exception under regulation 10(5)(d) – confidentiality of proceedings, of the EIRs applies to some of the information you have requested. Regulatory processes, undertaken according to statute, can be subject to confidentiality of proceedings. As Officials continue to consider the proposal from Berwick Bank, the Scottish Government cannot comment on them at this time.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. 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 protecting regulatory processes, thus ensuring that the Scottish Government is able to conduct this aspect of its business effectively.

Yours sincerely

Liam Smith
MPP : Licensing Operations

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