

REASONS FOR NOT PROVIDING INFORMATION

Section 30(b)(i) – Free and Frank Provision of advice

An exemption under section 30(b)(i) – Free and Frank provision of advice applies to some of the information requested. The exemption applies because disclosure would, or would be likely to, substantially inhibit the free and frank exchange of views for the purposes of deliberation. The exemption recognises the need for Ministers and officials to have a private space within which to discuss and explore options before the Scottish Government comes to a final decision. Scottish Government officials make provisional overseas travel plans as part of official government business diary management and planning for Ministers. Until the date of the visit, these are provisional and contingent on Parliamentary Business and other commitments and issues arising. In addition, there are security considerations which must be taken in to account when considering release of information related to future ministerial travel.

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 Ministers and officials a private space within which to consider various factors relating to ministerial travel so that sound policy decisions can be taken.

Section 38(1)(b) – Personal information

An exemption under section 38(1)(b) applies to some of the information requested because it is personal data of a third party (i.e. names/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. 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.

Yours sincerely

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SGOL : International, EU and UK Relations

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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