

ANNEX: REASONS FOR NOT PROVIDING INFORMATION

The Scottish Government does not have the information

This is a formal notice under section 17(1) of FOISA that the Scottish Government does not have the information you have requested – please see below for further details on each specific question.

The Scottish Government does not have the information you have asked for in relation to question 10 because the information does not exist. There was no decision made to exclude direct participation of key strategic national race equality organisations like BEMIS or CEMVO from the membership of the AIGG.

The Scottish Government does not have the information you have asked for in relation to question 11 because the information does not exist. Please see response to question 10 above.

The Scottish Government does not have the information you have asked for in relation to question 12 because the information does not exist.

The Scottish Government does not have the information you have asked for in relation to question 13. An EQIA has not been completed in relation to finance spent on the AIGG.

The Scottish Government does not have the information you have asked for in relation to question 15 as the information does not exist. No decision has been made yet on the set-up of the Observatory and approval of the proposal has not been granted.

The Scottish Government does not have the information you have asked for in relation to question 17 as the information does not exist. A Freedom of Information request gives a right to information held however we do not have to create information to answer a request.

The Scottish Government does not have the information you have asked for in relation to question 19 as the information does not exist. A Freedom of Information request gives a right to information held however we do not have to create information to answer a request.

The Scottish Government does not have the information you have asked for in relation to question 20 because the information does not exist. The Scottish Government has not considered replacing the role and funding of race equality strategic partners such as BEMIS/CEMVO/CRER for the benefit of the recommended race equality observatory.

An exemption applies

An exemption under section S.29(1)(a) of FOISA (Formulation of Scottish Administration Policy), applies to some of the information you have requested. This exempts information from disclosure relating to the formulation or development of government policy and Ministerial communications. 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 this is an important issue. However, this is outweighed by the public interest in ensuring Scottish Ministers can seek and receive confidential policy advice.

An exemption under section 38(1)(b) of FOISA applies to some of the information you have requested. 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.

We are unable to provide some of the information you have requested because an exemption(s) under section 38(1)(b) (personal information) of FOISA applies in relation to the disclosure of names of Scottish Government officials below the level of Senior Civil Servant (SCS).