

ANNEX REASONS FOR NOT PROVIDING INFORMATION

An exemption applies

Exemptions under Section 36(2) (actionable breach of confidence) and Section 38(1)(b) (personal information) of FOISA applies to some of the information you have requested.

The information relates to personal circumstances and a confidential matter concerning an individual. The information was provided 'in confidence' and the information contained was received in circumstances which imposed an obligation to maintain confidence.

These exemptions are 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 applies, subject to the public interest test

An exemption under Section 30(b) (free and frank provision of advice or exchange of views) applies to some of the information you have requested. The exemption applies to information forming free and frank provision of advice for the purposes of developing a position in relation to a confidential issue. 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 some public interest in release because of interest in the fire and rescue service and transparent Government. However, this is outweighed by the public interest in the position being discussed at stages of consideration when private space to discuss a confidential situation is essential.