

### **Your request**

You asked “Under FOI, could I please request all correspondence and records or minutes of any meetings regarding discussions over protests at the National Service of Thanksgiving and Dedication, held in Edinburgh on July 5. This should include any discussions between the Scottish Government, Edinburgh Council and Police Scotland about how to facilitate protests and which sites should be allocated to protesters or protest groups.”

### **Response to your request**

I enclose a copy of some of the information you requested.

Some of the information you have requested relates to maps of Edinburgh City Centre which are publicly available. Under section 25(1) of FOISA, we do not have to give you information which is already reasonably accessible to you. Further aspects of this information are subject to specific exemptions which are detailed below, with an explanation for their application.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because exemptions under Section 30 (b) (i) (the free and frank provision of advice), Section 30(c) (the effective conduct of public affairs) and Section 38(1)(b) (personal information) of FOISA apply. The reason why these exemptions apply is explained below.

### **Reasons for not providing information**

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

An exemption under Section 30 (b) (i) (the free and frank provision of advice) 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 provision of advice to Ministers and Senior Officials. The exemption recognises the need for Ministers and officials to have a private space within which to seek advice on specific projects and work. Disclosing the content of free and frank advice would substantially inhibit such communication in the future. 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 disclosing information as part of open, transparent and accountable government and to inform public debate. However, this is outweighed by the public interest in allowing a private space within which officials and colleagues can provide free and frank advice and communications on specific projects such this to facilitate their effective organisation and delivery.

An exemption under Section 30(c) (the effective conduct of public affairs) applies to some of the information you have requested. Disclosing this information would substantially prejudice

our ability to conduct similar major events with Police Scotland and other delivery partners because doing so would undermine safety and security arrangements.

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, this is outweighed by the public interest in ensuring that the Scottish Government and its partners are able to conduct this aspect of business effectively in the interests of public safety.