

ANNEX

REASONS FOR NOT PROVIDING INFORMATION

An exemption applies, subject to the public interest test

An exemption under section 30(b)(i), which covers substantial inhibition of free and frank provision of advice, applies to some of the information in the second element of your request. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to Ministers before the Scottish Government reaches a settled public view. Disclosing the content of free and frank advice on setting long wait targets would substantially inhibit the provision of such advice in the future, particularly because these discussions relate to a sensitive issue.

This exemption is subject to the 'public interest test'. Taking account of all the circumstances of this case, we considered if the public interest in disclosing the information outweighed the public interest in applying the exemption. We found that, on balance, the public interest lay in favour of upholding the exemption. We recognise there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However in this case there was a greater public interest in allowing a private space within which officials could provide full and frank advice to Ministers. This private thinking space is essential to enable all options to be properly considered, so that good decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the policy making process, which would not be in the public interest.

The Scottish Government does not have the information

The Scottish Government does not have the information in the third part of your request because this specific information is not routinely collected from NHS boards.

This is a formal notice under section 17(1) of FOISA that the Scottish Government does not have the information you have requested.