

ANNEX A

RESPONSE TO (1)

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

REASONS FOR NOT PROVIDING INFORMATION

An exception applies

An exception under Regulation 11(2) (Personal data relating to third party) of the EIRs applies to some of the information you have requested. Regulation 11(2) applies to this information as it contains personal data, such as names and email addresses.

This exception is not subject to the 'public interest test'. Therefore, personal data under Regulation 11(2) has been withheld.

An exception under Regulation 10(4)(d) of the EIRs applies to some of the information you have requested. Regulation 10(4)(d) applies to this information as it contains unfinished documents and the material is in the course of completion.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in release as part of an open and transparent Government. However, this is outweighed by the public interest in upholding application of exception to protect the free and frank exchange of views for policy development.

An exception under Regulation 10(5)(g) of the EIRs applies to some of the information you have requested. Regulation 10(5)(g) applies to this information for the protection of the environment to which the information relates.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in release as part of an open and transparent Government. However, this is outweighed by the public interest in protecting the environment for the long-term benefit of the communities that depend on it.

An exception under Regulation 10(5)(e) of the EIRs applies to some of the information you have requested. Regulation 10(5)(e) applies to this information because it refers to confidential industrial information.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in release as part of an open and transparent Government. However, this is outweighed by the public interest in protecting industries in the food production sector.

An exception under Regulation 10(5)(a) of the EIRs applies to some of the information you have requested. Regulation 10(5)(a) applies to this information because it refers to information on international relations.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in release as part of an open and transparent Government. However, this is outweighed by the public interest in maintaining international trade relationships.

ANNEX B

RESPONSE TO (2)

REASONS FOR NOT PROVIDING INFORMATION

The Scottish Government does not have the information

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you have requested because relevant information was not held at the time of your request.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in information about a ban on peat-based compost in Scotland, clearly we cannot provide information which we do not hold.