

REASONS FOR NOT PROVIDING INFORMATION

The Scottish Government does not have the information

The Scottish Government does not have the information you have asked for in the second part of your question because we can only provide information that we hold at the time of the request. The information is collated after the end of the current financial year as part of the data collection / reconciliation exercise for production of the annual report which will not commence until April. The data will be published in the Annual Report.

In the instance of the information relating to the Further Education Settlement Agreement, the Scottish Funding Council rather than the Scottish Government is responsible for the information you have requested.

It is noted for the Health Settlement Agreements officials had erroneously excluded legal costs from the calculation which resulted in the total settlement exceeding £95,000. In addition the Business Case for one of the Health Settlement Agreements was routinely destroyed, in accordance with our standard records management practice, before the date of your request.

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

An exemption applies

An exemption(s) under section(s) s.38(1) of FOISA applies to some of the information you have requested. This exemption applies to some of the information requested because it is personal data of a third party, i.e. names, contact details and dates 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. At several points in the Annexes, names and other personal data have been marked as redacted.

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An exemption applies, subject to the public interest test

An exemption under s.30(b)(i) of FOISA applies to some of the information you have requested.

This exemption is subject to the 'public interest test'. 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. However, there is a greater public interest in high quality policy and decision-making, including encouraging the provision of free and frank advice from officials.