

Annex

Exemptions apply under sections 28 (1) Relations within the UK, s.29(1)(a) (policy formulation), 32 (1) (a) International Relations, 33 (1) (b) Substantial prejudice to commercial interests, 36 (1) Confidentiality of communications 38(1)(b) (personal information) of FOISA applies to some of the information you have requested.

These exemptions have been applied because some of the information has been provided by the UK Government in confidence and releasing this information would damage relations with them, and potentially prevent sharing of information which is vital for Scottish Government policy making. It also applies similarly an international level.

These exemptions have also been applied where the information has been supplied to Ministers in a free and frank way by officials, where the information has been provided in commercial confidence, or where the information is legal advice. It has also been necessary to withhold personal information.

The exemptions applied are, 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 releasing the information however, this is outweighed by the public interest, whereby disclosure of this information would cause harm to relations with the UK Government, International governments, or commercial business, which would prevent future policy decision making. It is also not in the public interest to disclose personal information nor to prevent free and frank communications from officials with Ministers which allows them to have the information they need for policy making, nor to disclose legal advice.