

## ANNEX

### An exemption applies, subject to the public interest test

An exemption(s) under section 33(1)(b) “disclosure would (or would be likely to) prejudice substantially the commercial interests of any person or organisation” of FOISA applies to some of the information you have requested. We cannot disclose information that identifies individual suppliers during a live procurement as this may negatively impact the competition of the procurement.

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 as part of an open and transparent government, and to help account for the expenditure of public money. However, there is greater public interest in protecting the interests of organisations which tender for Scottish Government contracts to ensure we are able to obtain the best value and expertise for public expenditure and ensure the procurement is carried out fairly.

The information you have requested may be shared upon request when the procurement exercise has concluded.