

Annex – Reason for some information being withheld

An exception applies

An exception under regulation 10 (4) (e) of the EIRs applies to some of the information you have requested because it is internal communication between Scottish Government officials about the consideration of available options and collective internal discussion relating to decision making.

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 open, transparent, and accountable government, and to inform public debate. However, there is a greater public interest in high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on how such decisions are reached will be disclosed in the near future, when it may undermine or constrain the Government’s consideration of these while they are still under discussion and development.