

ANNEX

REASONS FOR NOT PROVIDING INFORMATION

An exemption applies, subject to the public interest test

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

Section 30(b)(i), the free and frank provision of advice, applies to some of the information.

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 in release because this is a policy that will effect a large proportion of the Scottish public. However, this is outweighed by the public interest argument against release which is that provision of free and frank advice is essential to effective policy making and to Ministers and the civil service having free and frank exchanges.