

REASONS FOR NOT PROVIDING INFORMATION: FOI(S)A**Section 38(1)(b) – Personal data relating to third party**

An exemption under section 38(1)(b) of FOISA (personal information) applies to a small amount of the information requested because it is personal data of a third party, i.e. names/contact details of individuals, 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.

Section 41(a) – communications with His Majesty, the Royal Family or the Royal Household

An exemption under section 41(a) of FOISA (communications with His Majesty, etc.) applies to some of the information requested because it relates to communications with His Majesty, the Royal Family, or the Royal Household. It is important that there is the ability to have discussions between the Scottish Government and His Majesty about the issues that relate to the Sovereign's interests, including Crown consent and how legislation applies to the Crown so that this enables constitutional process to work in an effective way. Correspondence between the Scottish Government's Legal Directorate (SGLD) and the King's Solicitor is the practical outworking of this. Disclosing the content of such correspondence is likely to mean that future communications will be less open and less frequent, with less exchange of information, which would negatively affect the process of obtaining King's consent in future. There can be no public interest in the disclosure of information which will damage that relationship and disrupt future communications.