

Annex

An exception applies

An exception under regulation 11 (personal data) of the EIRs applies to some of the information you have requested. This includes personal data such as references to identifiers like names or specific email addresses.

Regulation 11 is an absolute or category exception and is not subject to a public interest test.

An exception applies

An exception under regulation 10(4)(e) (internal communications) of the EIRs applies to some of the information you have requested.

An exception under regulation 10(4)(e) of the EIRs (internal communications) applies to some of the information you have requested because it is internal communication between Scottish Government Ministers and officials about Scottish Government policy.

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 Scottish Government renewable electricity policy will be disclosed in the near future, when it may undermine or constrain the Government's view on that issue while it is still under discussion and development.

An exception applies

An exception under regulation 10(5)(f) (third party interests) of the EIRs applies to some of the information you have requested. This exception applies because disclosure of this particular information would, or would be likely to, prejudice substantially the interests of organisations who provided that information to the Scottish Government. They:

Were not under any legal obligation to give us that information;

Did not supply it in circumstances in which it could, apart from the EIRs, be made available; and

Have not consented to disclosure

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 a public interest in disclosing information as part of open and transparent government. However, there is a greater public interest in protecting the interests of organisations who provide the Scottish Government with information on a confidential basis. Disclosing such information against the express wishes of the stakeholder is likely to undermine their trust in the Government and make them reluctant in future to share information with us on issues such as the UK Government

Contracts for Difference scheme. This would significantly impair the Scottish Government's ability to develop policies and make decisions on the basis of fully informed advice and evidence. This would not be in the public interest.