

ANNEX A

A small amount of information you have requested has been excepted under Regulation 10(4)(a) (Information not held), this is because we do not hold minutes/records of some of the meetings within the date range of your request. Therefore, this is a formal notice under Regulation 10(4)(a) of the EIRs confirming that the Scottish Government does not hold this information.

This exception is subject to the 'public interest test'. It is important to note that although we do not hold the information and have applied Regulation 10(4)(a) – information not held, it is a requirement that we have to apply the public interest test.

Under regulation 5(1) of the EIRs, a Scottish public authority that holds environmental information must make it available when requested to do so. This duty is not absolute. In some cases, information is excepted from disclosure, under regulations 10 and 11 of the EIRs. However, all of the exceptions in regulation 10 (and parts of regulation 11) are subject to a public interest test. To clarify, even though we do not hold the information, because we are using EIRs Exception 10(4)(a) in response to your request, we are required to apply a public interest test.

Guidance can be found in the Key Concepts section under 'Information Not Held' and 'The Public Interest Test' in the attached [Scottish Information Commissioner Briefings and Guidance document](#).

Further guidance on the public interest test can also be found on page 8 of the [Scottish Information Commissioner guidance](#).

A small amount of information has been withheld under regulation 10(5)(f) (prejudice to interests of person who provided the information). 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 releasing the information as part of an open, transparent and accountable government. However, disclosure of this particular information would, or would be likely to, prejudice substantially the confidentiality of said information and the interests of those providing information to the Scottish Government in confidence.

Additionally, a small amount of information has been withheld under Regulation 11(2) – Personal Data as it contains personal information and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulations (GDPR) and in Section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test'.