

ANNEX A

REASONS FOR NOT PROVIDING INFORMATION

Section 32(1)(a)(i) (international Relations)

An exemption under section 32(1)(a) of FOISA applies to some of the information requested because disclosure would, or would be likely to, prejudice substantially relations between the United Kingdom and the governments of other states. The effective conduct of international relations depends upon maintaining trust and confidence between the UK Government and other states. In this case, disclosing information about Scottish Government engagement with another state during the above ministerial visit would substantially prejudice relations between the UK and that state because there is a need to maintain confidential dialogue in order to ensure that future engagement can take place in a spirit of trust and openness.

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 a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in ensuring that the UK Government is able to maintain good relations with other states, in order to protect and promote UK interests. There can be no public interest in jeopardising those relations by the Scottish Government disclosing this information.

Section 38(1)(b) – Personal information

An exemption under section 38(1)(b) applies to some 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.