

ANNEX

REASONS FOR NOT PROVIDING INFORMATION

Exceptions apply

Regulation 11(1) – applicant has asked for their own personal data

An exception under regulation 11(1) of the EIRs (personal information) applies to some of the information requested because it is personal information of which you are the data subject, and so it is subject to the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. This exception 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 exception.

Regulation 11(2) – applicant has asked for personal data of a third party

An exception under regulation 11(2) of the EIRs (personal information) applies to some of the information requested because it is personal data of a third party 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 exception 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 exception.

Regulation 10(5)(d) - Confidentiality of proceedings

An exception under regulation 10(5)(d) (confidentiality of proceedings) of the EIRs applies to some of the information you have requested. This exception applies because disclosure of this information would harm the confidentiality of the proceedings of a public authority where such confidentiality is provided for by law. A section has been redacted within item 1 enclosed regarding information about the proceedings of another public authority.

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 disclosing information as part of open, transparent and accountable government, and to inform public debate. However, this is outweighed by the public interest in the fact that the common law of confidence will protect the confidentiality of the proceedings.