

ANNEX A

Exemption under FOISA section 28(1) (release of this information would be likely to prejudice substantially relations between any administration in the UK) applies to some of the information requested. This exemption recognises the need to maintain good relations with all UK government administrations for the benefit of the wider UK public interest.

This exemption applies because disclosure of communications and discussions in relation to, or with, other UK government administrations, without their consent, would substantially reduce other UK government administrations confidence in the Scottish Government and Scottish Government Ministers.

This exemption is subject to the public interest and prejudice test. Taking account of all the circumstances of this case, we have considered if the wider UK public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the wider UK public interest lies in favour of upholding the exemptions. 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 allowing a private space within which Ministers and officials from all UK government administrations can communicate and where all UK government administration Ministers and officials can provide free and frank advice and views. Disclosure of this type of information would be detrimental to the wider UK public interest and would substantially prejudice the ability of both Scottish Government and other UK government administrations to engage and conduct meaningful public affairs.

Exemptions under section 30 b (i) of FOISA (free and frank exchange of advice) apply to some of the information requested. These exemptions apply because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. The exemption recognises the need for Ministers to have a private space within which to seek advice from officials prior to meetings. Disclosing the content of free and frank information will substantially inhibit such information in the future.

This exemption is subject to the public interest and prejudice interest test. 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 exemptions. 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 allowing a private space within which officials can provide free and frank advice and views to Ministers. Disclosure of this type of information could lead to a reduction in the comprehensiveness and frankness of such advice and views in the future, which

would not be in the public interest as it would substantially prejudice the ability of Ministers to engage with Scottish Government officials.

Section 38(1)(b) – Personal Data

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

Annex B – List of meetings, information provided and exemptions that have been applied

Meetings involving Scottish Government ministers and other government ministers (with officials present in a supporting capacity)

	Meeting	Date	Comment
1	Meeting between DFM and Chief Secretary to the Treasury	23 September 2022	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
2	Meeting between DFM and Chief Secretary to the Treasury	27 October 2022	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
3	The Prime Minister and Heads of Devolved Governments Council	10 November 2022	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice)

4	IGR Ministerial Working Group	15 November 2022	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice)
5	Interministerial Standing Committee	1 February 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice)
6	Meeting between DFM and Chief Secretary to the Treasury	15 March 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
7	Telephone call between the FM and PM	28 March 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice)

8	Meeting between DFM and Michael Gove	28 April 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
9	Meeting between DFM and Chief Secretary to the Treasury	2 May 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
10	Interministerial Standing Committee	17 May 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice)
11	Meeting between DFM and Welsh Government	23 May 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK)

			Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
12	Meeting between FM and FM Wales	1 June 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice)
13	Meeting between FM and Michael Gove	15 June 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice)
14	Meeting between FM and FM Wales	16 June 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice)
15	Pre-F:ISC Trilateral	19 June 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK)

			Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
16	Finance: Interministerial Standing Committee (F:ISC)	22 June 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
17	Pre-F:ISC Trilateral	13 September 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
18	Finance: Interministerial Standing Committee	20 September 2023	Some information has been provided. Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
19	Bilateral meeting between DFM	20 September 2023	Some information has been provided.

	and Chief Secretary to the Treasury		Exemptions have been applied under: Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK) Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)
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Meetings involving Scottish Government Ministers and officials

	Meeting	Date	Comments
20	Meeting between DFM and Senior Finance officials (these meetings regularly provide updates on the funding position which includes Barnett consequential)	Weekly between 6 September 2022 and 30 March 2023	No information has been released. Exemptions have been applied under: Section 30(b)(i) (provision of free and frank advice)
21	Meeting between DFM and Senior Finance officials (these meetings regularly provide updates on the funding position which includes Barnett consequential)	Weekly since 3 May 2023	No information has been released. Exemptions have been applied under: Section 30(b)(i) (provision of free and frank advice)
22	DFM Capital Spending Review meeting	22 August 2023	No information has been released. Exemptions have been applied under: Section 30(b)(i) (provision of free and frank advice) Section 38(1)(b) (personal information)

23	Pre-meeting before F:ISC	14 September 2023	<p>Some information has been provided.</p> <p>Exemptions have been applied under:</p> <p>Section 28(1)(release of this information would be likely to prejudice substantially relations between any administration in the UK)</p> <p>Section 30(b)(i) (provision of free and frank advice)</p> <p>Section 38(1)(b) (personal information)</p>