ANNEX A

<u>Exemption not subject to the public interest test</u>

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 of non-senior staff within the Scottish Government or other organisations' staff, along with some infected or affected individuals, and disclosing it would contravene the data protection principles in data protection legislation. 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.

<u>Exemptions subject to the public interest test</u>

<u>30(c) (Otherwise prejudice the effective conduct of public affairs)</u>

An exemption under section 30(c) of FOISA applies to some of the information you have requested as disclosure would be likely to significantly impact on the effective conduct of public affairs by disclosing free and frank views shared in confidence with the UK Government by a third party stakeholder. Disclosure would be likely to lead to significant harm in our ability to gather frank views from stakeholders to understand their positions as they would be less likely to share their views if they knew those views were likely to be disclosed publicly.

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 some public interest in release as part of open, transparent and accountable government, and to inform public debate. However, this is outweighed by the strong public interest in maintaining relationships with stakeholders and continuing to encourage them to share views in confidence with the Scottish Government.