

Annex A – Exceptions Applied

Part 1 – Risk register

An exception under regulation 10(4)(e) (internal communications), of the EIRs applies to all of the information requested in the first part of your request. The reasons why that exception applies is that we believe disclosure of this information would impede officials to be able to provide free and frank advice to Ministers.

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 release, however, this is outweighed by the public interest in being able to debate hypothetical or potentially controversial issues without concern about disclosure. We believe that there is also public interest in being able to protect high quality policy making and release of this information may hinder or prevent officials or Ministers from reaching fully considered conclusions.

Part 2 - Climate Compatibility Checkpoint

Some of the information you have requested is available from publicly available sources including:

- [EIR 202400416699 response](#)
- [EIR 202400419849 response](#)
- [EIR 202400396587 response](#)
- [PQ S6W-28718 answer](#)
- [Offshore Energy UK, *Economy and People Report*](#)
- [Fenwick Community Council - *The Supreme Court judgement ruling on the Finch Case*](#)

Under regulation 6(1)(b) of the EIRs, we do not have to give you information which is already publicly available and easily accessible to you in another form or format. If, however, you do not have internet access to obtain this information from the website(s) listed, then please contact me again and I will send you a paper copy.

An exception under regulation 10(4)(e) (internal communications) of the EIRs applies to some of the information in the second part of your request. This exception applies because officials need to be able to provide free and frank advice to Ministers on matters which have been shared in confidence or are sensitive, and their ability to do this may be impacted by the knowledge that information may be published. In addition, officials need to be able to have free

and frank conversations with each other as part of the policy development process, again their ability to do this may be impacted by the knowledge that information may be published. In this regard some of the information held relates to:

- internal email exchanges
- file notes prepared for internal use
- documents which have been circulated internally
- Policy advice

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 release because disclosure of the information requested would enhance public scrutiny of our decision-making or policy-making processes, and therefore our transparency and accountability. However, this is outweighed by the public interest in ensuring officials and ministers and officials and officials can conduct free and frank discussions as part of the policy development process.

In addition, some information is withheld because it's out of the scope of the current request. In relation to the request, this includes information that is not about climate compatibility checkpoint.

Part 3 – Installation of Heating Systems in Government Buildings

We are unable to provide the information you have requested because an exception under regulation 10(4)(a) (Information not held), of the EIRs applies to that information. The reasons why that exception applies is that we do not hold estimated costs to install environmentally friendly heating systems in every government owned building.

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. While we recognise that there may be some public interest in information about the cost of environmentally friendly heating systems in properties owned by the Scottish Government, clearly we cannot provide information which we do not hold.

Part 4 – Correspondence with the Just Transition Commission

Some of the information you have requested has since been published and is now available from publicly available sources including:

- [Investment for a Just Transition: A Starting Point – Just Transition Commission](#)
- [Grangemouth Industrial Cluster - draft Just Transition plan: consultation - gov.scot](#)
- [Update to the United Kingdom’s Nationally Determined Contribution – Letter to Cabinet Secretary – Just Transition Commission](#)
- [Shetland, Community Benefit, and the Energy Transition – Just Transition Commission](#)
- [A Just Transition for Shetland – Just Transition Commission](#)
- [Climate change: Scottish National Adaptation Plan 2024-2029 - gov.scot](#)

Most of the information you requested in this part of your request is enclosed, however, we are unable to provide some of the information you have requested because an exception under regulation 10(4)(d) (material in the course of completion) of the EIRs applies to that information. Regulation 11 also applies to a majority of the documents supplied in response to your request and personal data has consequently been removed

The exception under regulation 10(4)(d) (material in the course of completion) of the EIRs applies as some of the correspondence between the Scottish Government and the Just Transition Commission covers upcoming publications.

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 release to contribute towards open and transparent government proceedings and the scrutiny of decision-making processes. However, this is outweighed by the public interest in not prematurely releasing unfinished and incomplete policy advice, which does not include clear policy positions. Early disclosure could cause a lack of clarity and give a misleading impression of the Scottish Government’s position before formal consultation, contradicting the purpose of a Just Transition Plan. It is important that up until decisions are made, Ministers are able to benefit from free and frank advice, including from the independent Just Transition Commission and in accordance with the Memorandum of Understanding signed by the Commission and the Scottish Government.