

Application of exception under Regulation 11(1) (personal information)

An exception under regulation 11(1) (personal information) of the EIRs applies to some of the information you have requested. Regulation 11 sets out when personal data can and cannot be disclosed under the EIRs. The items affected by this exception include: items 1 to 22.

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 where the information relates purely to personal data.

Application of exception under Regulation 10(4)(e) (internal communications)

An exception under regulation 10(4)(e) (internal communications) of the EIRs applies to some of the information you have requested. Regulation 10(4)(e) allows a Scottish public authority to withhold internal communications. Items affected by this exception include: items 1 to 4, items 6 to 7, item 9, items 17 to 18, item 20 and item 21.

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.

For the cases where the internal communications exception applies, this is because the information, held within internal email exchanges, notes of official meetings and other documents circulated internally, does not represent official Scottish Government policy. These internal communications are, however, essential for the Scottish Government to carry out its functions and best serve the country.

For these reasons, while we recognise that there is some public interest in releasing the information for reasons of transparency, this is outweighed by public interest being better served by maintaining the exception.