

## Annex A: Exemptions

An exemption under section 30(c) of FOISA (prejudice to effective conduct of public affairs), applies to some of the information you have requested.

It is essential that engagement with external stakeholders is able to take place with an expectation of confidence, particularly when discussing sensitive issues such as racism. Disclosing the reports from these meetings, particularly without the consent of these community groups, is likely to undermine their trust in the Scottish Government and the future Anti Racism Observatory for Scotland and in doing so will substantially inhibit communications on this type of issue in the future.

These stakeholders will be reluctant to participate in meetings and/or provide their views fully and frankly if they believe that their views are likely to be made public, particularly while these discussions are still ongoing and relate to a sensitive issues around anti-racism and the lived experience of those who have experienced racism. This would significantly harm the Government's ability to carry out many aspects of its work, and could adversely affect its ability to gather all of the evidence it needs to make fully informed policies and decisions.

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 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 protecting the confidence of community groups who have been subject to racism so that they can feel safe and protected when engaging with Scottish Government or the future Anti Racism Observatory. These groups have often been subject to racism and harassment and sharing the reports relating to their engagement events could lead to further targeting of these stakeholders. For this reason, we consider that on balance the public interest is best served by preserving this private space for engagement of this nature.