

Application of exemption under Section 38(1)(b) (personal information)

An exemption under section 38(1)(b) (personal information) of FOISA applies to some of the information you have requested. Section 38 (1) (b) sets out when personal data can and cannot be released under FOISA. The items affected by this exemption are items 1-4, item 6. 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.

Application of exemption under Section 29(1)(a) (formulation or development of government policy)

An exemption under section 29(1)(a) of FOISA applies to some of the information you have requested. Section 29(1)(a) sets out when information related to formulation of government policy can and cannot be released under FOISA. The item affected by this exemption is item 5. 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 there will be some public interest in release of information as part of open and transparent government but as the information relates to ongoing policy development and may have changed, this outweighs the public interest.

Application of exemption under Section 29(1)(b) (Ministerial communications)

An exemption under section 29(1)(b) of FOISA applies to some of the information you have requested. Section 29(1)(b) sets out when information related to ministerial communication can and cannot be released under FOISA. The item affected by this exemption is item 7. 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 there will be some public interest in release of information as part of open and transparent government but as the information relates to ministerial communications, this outweighs the public interest.

Application of exemption under Section 30(b)(i) (free and frank provision of advice)

An exemption under section 30(b)(i) of FOISA applies to some of the information you have requested. Section 30(b)(i) sets out when information related to free and frank provision of advice can and cannot be released under FOISA. The item affected by this exemption is item 7. 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 there will be some public interest in release of information as part of open and transparent government but it is necessary for officials and Ministers to have the opportunity to provide each other with free and frank exchange of views in exercising their functions. There is no public interest in releasing information that will have a negative impact on current legislation by removing the opportunity for those necessary free and frank discussions on a live issue.