

FOI 202500472707

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information. The reasons are set out below.

1. Section 25(1) - Information otherwise accessible – document(s) already published –
 - <https://www.publications.scot.nhs.uk/files/dl-2025-02.pdf>.
 - [Proposed National Good Food Nation Plan - gov.scot](#)
2. Section 29(1)(a) - Formulation or development of Scottish Government Policy. It has been decided that the public interest in withholding the information does not outweigh the public interest in disclosing it and therefore the information should be withheld.
3. Section 30(b)(1) – free and frank provision of advice. The information withheld is not relevant to the search terms of the FOI and is not thought to be of interest to the public. It has been decided that the public interest in withholding the information does not outweigh the public interest in disclosing it and therefore the information should be withheld.
4. Paragraph 2.1 of the Scottish Ministerial Code provides that "the privacy of opinions expressed, and advice offered within the Government should be maintained" at all times. Cabinet papers/agendas/minutes are essential elements which support and assist collective discussion in the private space which Ministers need to reach agreed positions.

The weekly meeting of the Scottish Cabinet is the highest decision-making forum within the Scottish Government, and it follows that all information considered by Cabinet must be handled with great care.

Properly functioning Cabinet processes are generally recognised to be of vital public interest: Cabinet government is based on the principle of collective responsibility, which the Scottish Ministerial Code defines in the following terms:

"The principle of collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed and advice offered within the Government should be maintained. The internal processes through which a government decision has been made should not normally be disclosed." (Scottish Ministerial Code, 2024 edition, paragraphs 6.1 and 6.4)

Cabinet papers are invariably produced on the assumption that they will not be disclosed until a significant amount of time has elapsed.

Section 30(b)(ii) (the free and frank exchange of views for the purposes of deliberation) and Section 30(c) (prejudice effective conduct of public affairs) recognise the need to allow Ministers some private space for discussion. These exemptions are 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 maintaining the process of achieving collective responsibility within a private space within which policy positions can be explored and refined by Ministers in order that the Government, as a whole, can reach a final decision. This private thinking space also allows for all options to be properly considered, so that good policy decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers, which in turn will undermine the quality of the policy-/decision-making process.

5. Section 33(1)(b) as the information relates to Commercial Interests - The information withheld is not relevant to the search terms of the FOI and is not thought to be of interest to the public. It has been decided that the public interest in withholding the information does not outweigh the public interest in disclosing it and therefore the information should be withheld.
6. Section 33(2)(b) as it related to the Financial Interests of a UK administration. The information withheld is not relevant to the search terms of the FOI and is not thought to be of interest to the public. It has been decided that the public interest in withholding the information does not outweigh the public interest in disclosing it and therefore the information should be withheld.
7. Section 36(1) of FOISA (confidentiality in legal proceedings) applies to some material requested. 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 public interest in release as part of open and transparent government, and to inform public debate. However, this is outweighed by the strong public interest in maintaining the right to confidentiality of communications between legal advisers and clients, to ensure that Ministers and officials are able to seek and receive legal advice in confidence, like any other public or private organisation.
8. Section 38(1)(b) of FOISA (personal information) applies to some of the information requested because it is personal data of a third party, namely, name and contact details of individuals, and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. 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.
9. Information that would be out with the scope of your request has been marked as "Out of Scope".