FOI Review – Summary of exemptions applied and public interest test

FOI review reference number: 202500477100

Document Name	Description of information	Decision (Release, partial release, withhold)	Exemption applied	Why exemption applies	Public Interest Test Yes/No	Public Interest Test
(1) SCANCE Extract – 28 April 2025	Written SCANCE update	Partial release	Information redacted is out of scope of the FOI request.	N/A	N/A	N/A
(2) Summary of Ministerial meeting notes (Mr McKee and officials) on efficiency target from 2 April to 23 June 2025	Fortnightly Meeting Note: Mr McKee and Officials – 02/04/25	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff.	No	N/A
		Partial release	Section 29(1)(a)	An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to the early formulation of the Scottish Government's policy on the PSR efficiency target.	Yes	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 high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on the development of an efficiency target and how it may apply will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and consideration.

	Fortnightly Meeting Note: Mr McKee and Officials – 08/04/25	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Fortnightly Meeting Note: Mr McKee and Officials – 25/04/25	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Fortnightly Meeting Note: Mr McKee and Officials – 19/05/25	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Fortnightly Meeting Note: Mr McKee and Officials – 23/06/25	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
		Partial release	Section 29(1)(a)	An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to the early formulation of the Scottish	Yes	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 high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available

				Government's policy on the PSR efficiency target.		options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on the development of an efficiency target and how it may apply will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and consideration.

Document Name	Description of information	Decision (Release, partial release, withhold)	Exemption applied	Why exemption applies	Public Interest Test Yes/No	Public Interest Test
(3) Summary of emails from Mr McKee's Private Office relating to efficiency target (April – June 2025)	Private office email to officials 25/04/2012 @ 19:26	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Private office email to officials 28/06/2025 @ 10:09	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
		Partial release	Information redacted is out of scope of the FOI request.	N/A	N/A	N/A

Document Name	**Description of information**	**Decision (Release, partial release, withhold)**	**Exemption applied**	**Why exemption applies**	**Public Interest Test Yes/No**	**Public Interest Test**
(3) Summary of emails from Mr McKee's Private Office relating to efficiency target (April – June 2025) (CONTINUED)	Private office email to officials and Cabinet Secretariat 28/06/2025 @ 11:19	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	- No	N/A
	Private office email to officials 28/06/2025 @ 11:18	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Email to Private Office from officials 28/06/2025 @ 11:14	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Private office email to officials 22/05/2025 @ 11:40	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A

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(3) Summary of emails from Mr McKee's Private Office relating to efficiency target (April – June 2025) (CONTINUED)	Private office email to officials 22/05/2025 @ 11:40 (continued)	Partial release	Section 30(b)(ii)	An exemption under section 30(b)(i) of FOISA (free and frank provision of advice) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to officials before the Scottish Government reaches a settled public view. Disclosing the content of free and frank advice on Mr McKee's view on the efficiency target will substantially inhibit the provision of such advice in the future, particularly because these discussions relate to a sensitive and controversial issue such as workforce savings.	Yes	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 allowing Ministers and officials a private space within which to explore and refine the Government's policy position on the potential application and interpretation of the efficiency target, until the Government as a whole can adopt a policy that is sound and likely to be effective across public services. This private thinking space is essential to enable all options to be properly considered, so that good implementation decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the policy making process, which would not be in the public interest.

	Email from officials to Minister 22/05/2025 @ 21:09	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Private office email to officials 30/05/2025 @ 17:15	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A

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(3) Summary of emails from Mr McKee's Private Office relating to efficiency target (April – June 2025) (CONTINUED)	Email from officials to the Minister 30/05/2025 @ 16:45	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Private office email to officials 11/06/2025 @ 17:15	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Email from officials to the Minister 30/05/2025 @ 10.52	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A

	Email from officials to the Minister 30/05/2025 @ 10.52 (continued)	Partial release	Section 30(b)(ii)	An exemption under section 30(b)(i) of FOISA (free and frank provision of advice) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to officials before the Scottish Government reaches a settled public view. Disclosing the content of free and frank advice on officials and Ministers views on the potential efficiency target savings and reductions will substantially inhibit the provision of such advice in the future, particularly because these discussions relate to a sensitive and controversial issue such as workforce savings.	Yes	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 allowing Ministers and officials a private space within which to explore and refine the Government's policy position on the potential application and interpretation of the new efficiency target, until the Government as a whole can adopt a mature and established policy. This private thinking space is essential to enable all options to be properly considered, so that good implementation decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the policy making process, which would not be in the public interest.

	Email from officials to the Minister 30/05/2025 @ 10.52 (continued)	Partial release	Section 30(b)(ii)	An exemption under section 30(b)(i) of FOISA (free and frank provision of advice) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to officials before the Scottish Government reaches a settled public view. Disclosing the content of free and frank advice on savings options will substantially inhibit the provision of such advice in the future, particularly because these discussions relate to a sensitive and controversial issue such as the impact on individual sectors.	Yes	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 allowing Ministers and officials a private space within which to explore and refine the Government’s policy position on the potential application and interpretation of the efficiency target, until the Government as a whole can adopt a policy that is sound and likely to be effective across public services. This private thinking space is essential to enable all options to be properly considered, so that good implementation decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the policy making process, which would not be in the public interest.

Document Name	Description of information	Decision (Release, partial release, withhold)	Exemption applied	Why exemption applies	Public Interest Test Yes/No	Public Interest Test
(4) Ministerial submission – Advice on PSR and Efficiency Target 22 May 2025	Names of leads and copy list	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Paragraphs 9-11		Section 29(1)(a)	An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to the early formulation of the Scottish Government's policy on the PSR efficiency target.	Yes	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 high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on the development of an efficiency target and how it may apply will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and consideration.
	Paragraph 12, Table 1 and parts of paragraphs 13 and 14		Section 29(1)(a)	An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information	Yes	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

				requested because it relates to the early formulation of the Scottish Government's policy on the PSR efficiency target, how it might relate to another policy area and its application within Scottish Government portfolios.		government, and to inform public debate. However, there is a greater public interest in high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on the development of an efficiency target and linkages with other policies and Scottish Government policies, and how it may apply will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and consideration.
	Parts of paragraphs 16,17 and 19		Section 29(1)(a)	An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to the early formulation of the Scottish Government's policy on the PSR efficiency target and its relation to a cross cutting policy area.	Yes	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 high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on the development of an efficiency target and its interlinkages, and how it may apply will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and consideration.
	Part of paragraph 22		Section 29(1)(a)	An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to the early	Yes	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 high quality policy and decision-making,

				formulation of the Scottish Government's policy on the PSR efficiency target and its framing with respect to stakeholders.		and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on the development of an efficiency target and its linkages with stakeholders, and how it may apply will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and consideration.

Document Name	Description of information	Decision (Release, partial release, withhold)	Exemption applied	Why exemption applies	Public Interest Test Yes/No	Public Interest Test
(5) Ministerial Submission – PSR efficiency target 30 May 2025	Names of leads and copy list	Partial release	Section 38(1)(b)	An exemption under section 38(1)(b) of FOISA applies to some of the information requested because it relates to personal information of Scottish Government staff	No	N/A
	Paragraphs 11 and 14	Partial release	Out of scope of FOI request	N/A	N/A	N/A

Document Name	Description of information	Decision (Release, partial release, withhold)	Exemption applied	Why exemption applies	Public Interest Test Yes/No	Public Interest Test
(5) Ministerial Submission – PSR efficiency target 30 May 2025 (continued)	Part of para 25.	Partial release	Section 29(1)(a)	An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to the early formulation of the Scottish Government's policy on the PSR efficiency target and potential interpretation risks.	Yes	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 high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on the development of an efficiency target and associated risks, and how it may apply will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and consideration.
(5) Ministerial Submission – PSR efficiency target 30 May 2025 (continued)	Annex A table	Partial release	Section 29(1)(a)	An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies to some of the information requested because it relates to the early formulation of the Scottish Government's policy on the PSR efficiency target and	Yes	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 high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on the development of an efficiency target and its interlinkages, and how it may apply will be disclosed in the near future, when it may undermine or constrain the

				its relation to a cross cutting policy area.		Government’s view on that policy while it is still under discussion and consideration.