

Section 38(1)(b) Personal information

Some information has been redacted from the Annex provided as it is personal data consisting of names and contact details of individuals which is exempt from disclosure under section 38(1)(b) (personal information). Section 38(1)(b) can be applied when disclosure of the information requested would contravene the data protection principles in Article 5(1) of the GDPR. 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.

Section 30(b)(ii) – free and frank exchange of views

An exemption under section 30(b)(ii) of FOISA (free and frank exchange of views) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation. Disclosing the content of free and frank exchange of views will substantially inhibit such discussion in the future, and in turn could impact the quality of discussion and output of the Partnership Delivery Group. This exemption recognises the need for officials and partners to have a private space within which to have a free and frank exchange of views in relation to government business.

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 free and frank exchange of views in relation to government business. This private space is essential to enable effective advice to be provided and policy to be developed, so that good decisions can be taken. Premature disclosure of the content of free and frank exchange of views will substantially inhibit such discussion in the future, and in turn could impact the quality of discussion and output of the Partnership Delivery Group. This will also undermine the quality of the decision making process within government, which would not be in the public interest.

Section 29 (1)(a) – Formulation or development of Scottish Government Policy

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 development of the Scottish Government's policy on mental health and policing and associated improvement, particularly related to ongoing policy work related to the demand of mental health on policing. 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 high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers, officials and partners 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 development, options and sensitivities surrounding improvement in delivery of mental health care pathways will be disclosed, when it may undermine or constrain the Government's view on that policy while it is still under discussion and development.