

ANNEX A

Item 1 - Information withheld under section 30(c) of FOISA (prejudice to the effective conduct of public affairs)

Item 2- Information withheld under section 30(c) of FOISA (prejudice to the effective conduct of public affairs)

Item 3- Information withheld under section 30(c) of FOISA (prejudice to the effective conduct of public affairs)

Item 4 - Information withheld under section 30(c) of FOISA (prejudice to the effective conduct of public affairs)

Item 5 - Information withheld under section 30(c) of FOISA (prejudice to the effective conduct of public affairs)

Item 6 - Information withheld under section 30(c) of FOISA (prejudice to the effective conduct of public affairs)

Item 7 – information withheld under exemption Section 29(1)(b) – Ministerial communications

ANNEX B

Section 30(c)- Prejudice to the effective conduct of public affairs

An exemption applies under section 30(c) of FOISA (prejudice to the effective conduct of public affairs) to some of the information requested. It is essential for MSPs and MPs to be able to write confidentially to Ministers and for Ministers to respond on the issues across their portfolio and to gather views from other constituents and / or stakeholders confidentially. Disclosing the content of these ministerial communications is likely to undermine trust in the Scottish Government and will substantially inhibit communications, and such stakeholders will be reluctant to provide views in a full and frank manner if they believe that their views are likely to be made public, particularly where, as in this case, these discussions relate to a sensitive or controversial issue. This would significantly harm the Government's ability to carry out many aspects of its work. 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 a private space within which to communicate with these constituents and / or stakeholders.

Section 29(1)(b)- Ministerial communications

An exemption applies under Section 29(1)(b) to some of the information on requested. This information is exempt as it relates to communications between Ministers. It is essential for Ministers to be able to write confidentially to other each other and for Ministers to respond on the issues across their portfolio and to gather views from other constituents and / or stakeholders confidentially. Disclosing the content of these ministerial communications is likely to undermine trust in the Scottish Government and will substantially inhibit communications, and such stakeholders will be reluctant to provide views in a full and frank manner if they believe that their views are likely to be made public, particularly where, as in this case, these discussions relate to a sensitive or controversial issue. This would significantly harm the Government's ability to carry out many aspects of its work. 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 a private space within which to communicate with these constituents and / or stakeholders.