

Annex A: Reasons for not providing information (Part 1 of Request)

Exemptions under sections of FOISA applies to some of the content of emails or their attachments that relate to your request. The exemptions that apply are set out as follows:

Section 28 – Relations within the United Kingdom

Section 28(1) of FOISA states that information is exempt information if its disclosure would, or would be likely to, prejudice substantially relations between any administration in the United Kingdom and any other such administration.

Section 28 applies to some of the contents of the emails or attachments contained in Documents numbered 3, 4B, 5, 6A and 8. Text has been withheld as a result and in each instance a clear indicator has been provided for where material has been withheld from publication.

In these instances, while the information is in scope of the request the text withheld appears likely to substantially prejudice relations between the Scottish Government and other administrations of the United Kingdom.

Material withheld is largely the text of emails from UK Government officials and in some cases where UK Government positions are summarised or repeated by Scottish Government officials. The content of this text is advice or information freely provided by the UK Government, which may in some cases be speculative, relate to evolving positions or otherwise not reflect fixed policy positions that have been made publicly available.

Releasing this information may substantially prejudice relationships, and lead to officials from other UK administrations being less willing to share information freely with the Scottish Government, especially on complex or sensitive matters. It may particularly undermine the ability of officials across administrations to collaborate and cooperate on matters relating to this policy area.

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. Considerations in favour of release included that disclosing the information may shed additional light on the impact of UKIMA, and improve public understanding of the complex issues relating to this legislation. It may also provide the requester with more background on the information available to the Scottish Government, however caveated, that may have informed policy decisions made in the preparation of the Bill.

Consideration in favour of withholding this information focused on the need to ensure ongoing good relationships with the UK Government and other UK administrations for future policy development and consideration of implementation issues. The Scottish Government has indicated its intention to work closely with the UK Government especially in the development of future standards. This engagement is

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likely to be most effective if UK officials feel able to share information with the Scottish Government freely, including information that may be speculative or relate to evolving positions.

Of the contents of emails and other matters shared by the UK Government we have found that in some cases release of the text would substantially prejudice the relationship between the Scottish Government and other administrations in the UK, and impair the ability of the Scottish Government to work with the other administrations of the UK in this policy area, and that this is in balance not in the wider public interest. As such this material has been withheld.

Section 29 – Formation of Government policy

Section 29(1)(a) of FOISA states that information is exempt information if it relates to the formulation or development of government policy.

Section 29 appears to apply to some of the contents of emails in Documents 1 and 3. Text has been withheld as a result and in each instance a clear indicator has been provided for where material has been withheld from publication, and surrounding text provides the context for the elements excluded.

Material withheld relates to material that is relevant to the formulation of policy in respect of non-surgical procedures including freely shared information about speculative positions, examples of potential measures which were shared to provide illustrative examples or commentary to help inform officials in the UK Government about our evolving policy positions. The material withheld relates to policy positions that were under development at the time and in some cases are still not settled. Although aspects of this policy consideration have now been settled, as the Bill and other legislation have been introduced other matters in relation to the setting of training and other standards are not necessarily settled and continue to represent matters of ongoing policy formation. In addition, legislation is subject to parliamentary process and new or revised positions may need to be taken in response to scrutiny or amendment of legislation.

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.

Factors in favour of release included that it may be in the public interest that the requester be able to come to a full understanding of the way that consideration in relation to UKIMA shaped the legislative proposals ultimately brought forward by the Scottish Government. It may also be in the public interest to provide information which can improve wider understanding of UKIMA, and against which public statements on this matter can be compared.

Factors in favour of withholding this material are that it is important that officials can consider a range of options and provide advice on these and on hypothetical scenarios without paying overmuch concern as to whether this such material shared during the formation of policy and in considering policy options will enter the public domain, this is not just limited to discussions within the Scottish Government, but

also to those with wider partners where they are undertaken on the basis of an open discussion.

On the other hand it remains in the public interest that officials can consider a range of options, and discuss hypothetical scenarios without paying overmuch concern as to whether this speculative material will enter the public domain. Furthermore, we consider that the specific text withheld could potentially be acted on by businesses or members of the public. It would not appear to be in the public interest for members of the public to make business decisions, or make judgements about procedures they may undertake based on this release.

We found that much of the material identified as in scope for this request could arguably be considered to be relevant to policy formation, given discussions were being undertaken to support the formation of options and approaches for ministers to take in relation to the policy area and proposed legislation. Nonetheless it was found that some material was more tangential to policy formation, and in some cases it appeared that the public interest in favour of release of the material outweighed the interest in favour of withholding it. In other cases however the public interest was deemed to be in favour of withholding, for the reasons outlined above.

Section 30 – Prejudice to effective conduct of public affairs.

Section 30(b) of FOISA states that information is exempt information if its disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice or the exchange of views for the purposes of deliberation. This part of section 30 appears to apply to some of the contents of emails or attachments at Documents 1, 3, 4B, 5 and 6B. In each instance a clear indicator has been provided for where material has been withheld from publication.

The text withheld under this exemption largely relates to material shared by the Scottish Government with UK government officials and includes frank discussion which we consider would, if released, substantially inhibit free and frank discussion of policy issues in future, especially with other administrations. This level of openness was necessary in order to get the best possible engagement with UK government departments on these issues. During this correspondence many policy issues were still under consideration, and it was necessary – to allow this engagement to inform future approaches to share material that related to the SG officials best judgement about future approaches, or where possible future approaches were considered. SG officials also shared evolving understandings of the matters under discussion.

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.

Our consideration is that the public interest in disclosing the information is that this may shed additional light on the consideration undertaken by SG officials, and the information which was shared with and considered by the UK Government.

The public interest in withholding this information is that in order to protect future engagement it must be necessary for SG officials to be able to share material with the UK government in a free manner, and not be inhibited from sharing developing

positions, best judgement conclusions or other material that may not stand the test of time. Furthermore disclosure of such information – where approaches have changed or new information has come to light, may involve disclosing statements that are now inaccurate or misleading, or which relate to decisions as yet unsettled. In the context of the work being undertaken it is possible that readers of this material could make business decisions, or choices about non surgical procedures informed by this material – and this would not appear to be in the public interest.

Section 38 – Personal information

Section 38(1)(b) of FOISA provides exemptions that regulate the relationship between FOISA, the UK General Data Protection Regulation and 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.

This exemption has been applied throughout documents 1-9 to withhold names and contact details of officials corresponding. We are mindful that the correspondence may be hard to follow or understand without contextual information about who sent or received that correspondence, and note the requesters interest in which departments have been involved in the conversations. For this reason where the Section 38 exemption has been applied this has been clearly marked, and in each case the department of the official has been indicated.

Officials whose names and contact details have been withheld are from the Scottish Government (SG), Department for Business and Trade (DBT), Department of Health and Social Care (DHSC) and Cabinet office (CO).

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Annex B: Meetings between the Scottish Government and UK Government (In scope of this request)

Meetings with UK Government Departments regarding UKIMA

19 June 2025

Scottish Government

UK Department of Business and Trade

UK Department for Health and Social Care

UK Cabinet Office

31 July 2025

Scottish Government

UK Department of Business and Trade

UK Department for Health and Social Care

UK Cabinet Office

17 September 2025

Scottish Government

UK Department of Business and Trade

UK Department for Health and Social Care

UK Cabinet Office

In addition to the above meetings Scottish Government held informal meetings on the following dates with the UK Department for Health and Social Care only. These meetings provided updates on respective countries' work on the regulation of non-surgical cosmetic procedures and may or may not have included discussions on UKIMA. No formal agenda or notes were produced.

25.2.25

15.4.25

23.6.25

17.7.25

9.9.25

17.9.25

25.9.25

30.10.25

11.12.25

Annex C: Reasons for not providing information

Exemptions under sections of FOISA applies to some of the content of the two documents that relate to your request. The exemptions that apply are set out as follows:

Section 28 – Relations within the United Kingdom

Section 28(1) of FOISA states that information is exempt information if its disclosure would, or would be likely to, prejudice substantially relations between any administration in the United Kingdom and any other such administration. Section 28 appears to apply to some of the contents of documents 10 and 11. Text has been withheld as a result and in each instance a clear indicator has been provided for where material has been withheld from publication.

While the information is in scope of the request the text withheld appears likely to substantially prejudice relations between the Scottish Government and other administrations of the United Kingdom.

Material withheld is largely information being conveyed to ministers in which information shared by UK Government ministers is summarised, or in which the Scottish Government assessment of these positions is shared (although in some cases those assessments may also be discussed in material covered by the Section 30 exemptions as covered below). The information is based on information freely provided by the UK Government, which may in some cases be speculative, relate to evolving positions or otherwise not reflect fixed policy positions that been made publicly available.

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. Considerations in favour of release included that disclosing the information may shed additional light on the impact of UKIMA, and improve public understanding of the complex issues relating to this legislation. It may also provide the requester with more background on the information available to Scottish Ministers, that may have informed policy decisions made in the preparation of the Bill.

The public interest in withholding information is that the Scottish Government currently relies and expects to continue to rely on good relationships with the UK Government and other UK administrations for future policy development and consideration of implementation issues. This engagement is likely to be most effective if UK officials feel able to share information with the Scottish Government freely, including information that may be speculative or relate to evolving positions. Disclosing summaries of the UK Government position, and Scottish Government assessments of them, would appear to be likely to substantially prejudice relationships with the UK government. In the context that the Scottish Government intends to work closely with the UK Government in the development and implementation of future policy in this area, any undermining of relationships may have a concrete effect on the ability of the Scottish Government to act in future. We therefore consider that release of the content withheld would not be in the wider public interest.

Section 30 – Prejudice to effective conduct of public affairs.

Section 30(b) of FOISA states that information is exempt information if its disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice or the exchange of views for the purposes of deliberation, section 30(c) of FOISA states that information is exempt information if its disclosure would, or would be likely to, prejudice the conduct of public affairs. These two parts of section 30 appears to apply to some of the contents of documents 10 and 11. In each instance a clear indicator has been provided for where material has been withheld from publication.

The text withheld under this exemption includes frank discussion which we consider would, if released, substantially inhibit the free and frank provision of advice in future. (Section 30(b)) Some text is also withheld referring to the origin of advice, or the nature of ongoing considerations relating to the advice provided (Section 30(c)). This text would also, if released, substantially inhibit the free and frank provision of advice, or the ability of the Scottish Government to provide context to ministers about advice received. In some cases material withheld under this exemption might have arguably fallen outwith the scope of the request in any case.

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.

Our consideration is that the public interest in disclosing the information is that this may shed additional light on the advice received by ministers and therefore the decisions they have made in respect of legislation and other matters.

The public interest in withholding this information is that in order for future decisions on this issue to be well informed, advice must continue to be provided to ministers which is not inhibited by concerns about future release.

Section 38 – Personal information

Section 38(1) of FOISA provides exemptions that regulate the relationship between FOISA, the UK General Data Protection Regulation and 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. Documents 10 and 11 are submissions to ministers which identify the official who authored the paper as well as extensive copy lists.

Where the Section 38 exemption has been applied this has been clearly marked, and all the information withheld under this exemption refers to the names of officials within the Scottish Government. Names of senior civil servants are provided.