

## REASONS FOR NOT PROVIDING INFORMATION

### An exemption applies, subject to the public interest test

An exemption under section 29(1)(a) (Formulation or Development of Scottish Government Policy) of FOISA applies to some of the information you have requested because it relates to the formulation of the Scottish Government's policy on the Scottish National Investment Bank.

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 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 Scottish National Investment Bank will be disclosed in the near future, when it may undermine or constrain the Government's view on that and related policies.

An exemption under section 30(b)(ii) (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 provision of future exchange of views. This exemption recognises the need for Ministers and officials to have a private space within which to discuss and explore options before the Scottish Government reaches a settled public view. Disclosing the content this advice and discussions on the Scottish National Investment Bank will substantially inhibit these in the future, particularly because these discussions are still on-going.

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 a private space within which officials can provide full and frank advice to Ministers and other officials, as part of the process of exploring and refining the Government's policy positions. This private thinking space is essential to enable all options to be properly considered, based on the best available advice. 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

An exemption applies. The following exemption is not subject to the public interest test.

An exemption under section 38(1)(b) of FOISA (personal information) applies to some of the information requested because it is personal data of a third party, ie names/contact details of individuals, and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. 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.

RELEASABLE INFORMATION FOR YOUR FOI

**From:** [Redacted]  
**Sent:** 29 January 2018 14:32  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Scottish National Investment Bank - Draft Q&As - January 2018 - V3

An updated Q&A pack.

There are some Qs outstanding still, but not many and increasingly a niche selection.

It would be helpful if others could now sense-check these to ensure they represent our collective understanding

[Redacted under S.30(b)(ii) Free and frank exchange of views]

Sam

**From:** [Redacted]  
**Sent:** 29 January 2018 12:45  
**To:** [Redacted]; [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Scottish National Investment Bank - Draft Q&As - January 2018 - V3

[Redacted under S.29(1)(a) (Formulation or Development of Scottish Government Policy)]

[Redacted]

**From:** [Redacted]  
**Sent:** 27 January 2018 19:54  
**To:** [Redacted]; [Redacted]  
**Cc:** [Redacted]  
**Subject:** Scottish National Investment Bank - Draft Q&As - January 2018 - V3

[Redacted under S.29(1)(a) (Formulation or Development of Scottish Government Policy)]

R

**From:** Anson S (Sam)  
**Sent:** 23 January 2018 16:22  
**To:** [Redacted]  
**Subject:** FW: ACTION - to reply - FW: SNIB alignment paper - Draft

All,

[Redacted under S.30(b)(ii) Free and frank exchange of views]

Sam

**From:** [Redacted]  
**Sent:** 23 January 2018 14:13  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: ACTION - to reply - FW: SNIB alignment paper - Draft

Mary

[Redacted under S.30(b)(ii) Free and frank exchange of views]

Hope this is helpful

[Redacted]

**From:** [Redacted]  
**Sent:** 23 January 2018 12:29  
**To:** [Redacted]; [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: ACTION - to reply - FW: SNIB alignment paper - Draft

[Redacted] can I have advice on this asap. Many thanks . Mary

**From:** [Redacted]  
**Sent:** 23 January 2018 12:02  
**To:** [Redacted]  
**Subject:** Fw: ACTION - to reply - FW: SNIB alignment paper - Draft

As referred to in my previous email.

**From:** [Redacted]  
**Sent:** 22 January 2018 17:42  
**To:** DG Economy  
**Subject:** RE: ACTION - to reply - FW: SNIB alignment paper - Draft

I can only see this being prominent in tomorrow morning's discussions.

[Redacted under S.29(1)(a) (Formulation or Development of Scottish Government Policy)]

**From:** [Redacted] **On Behalf Of** DG Economy  
**Sent:** 22 January 2018 15:50  
**To:** [Redacted] DG Economy  
**Subject:** FW: ACTION - to reply - FW: SNIB alignment paper - Draft

Sam

[Redacted under S.30(b)(ii) Free and frank exchange of views]

L

**From:** [Redacted]  
**Sent:** 22 January 2018 10:52  
**To:** DG Economy  
**Cc:** [Redacted]  
**Subject:** ACTION - to reply - FW: SNIB alignment paper - Draft

Liz

[Redacted under S.30(b)(ii) Free and frank exchange of views]

Thanks

Paul

**From:** [REDACTED]  
**Sent:** 18 December 2017 12:29  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: SNIB alignment paper - Draft

Sam

[Redacted under S.30(b)(ii) Free and frank exchange of views]

Anyway let me know if you like to discuss – I hadn't anticipated much discussion on the detail around this at tomorrow's Advisory Group meeting.

Thanks

P