

## **Annex**

An exception applies:

An exception under regulation 10(4)(e) of the EIRs applies to some of the information you have requested. Regulation 10(4)(e) of the EIRs allows a Scottish public authority to withhold internal communications. In this case a submission, a document which has been circulated internally.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. 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 free and frank advice and views to Ministers in submissions. It is clearly in the public interest that Ministers can properly and robustly defend the Government's policies and decisions. They need full and candid advice from officials to enable them to do so. Disclosure of this type of information could lead to a reduction in the comprehensiveness and frankness of such advice and views in the future, which would not be in the public interest.