



By e-mail

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Our ref: HGG/A/LA/2770

08 May 2009

Dear Ms McKenzie

**REQUEST FOR INFORMATION UNDER THE  
 FREEDOM OF INFORMATION (SCOTLAND) ACT 2002  
 BUTE HOUSE, CHARLOTTE SQUARE, EDINBURGH**

Thank you for your e-mail of 30 March asking for copies of all correspondence between Historic Scotland and the Office of the First Minister (or other Scottish Government officials) regarding any planned work, renovations or maintenance to Bute House, Charlotte Square, Edinburgh including estimated costs. We apologise for the slight delay in responding to your request.

**Information Otherwise Accessible**

We have responded to various listed building consent application consultations in the past for works to Bute House as a statutory consultee under the Planning System. You may view details of consent applications already submitted for works to the property online by doing a property address search via the link below:

<http://citydev-portal.edinburgh.gov.uk>

We hold one further document which falls within the scope of your request and whilst we have tried to be as open as possible in our response to you, we have withheld it in accordance with exemptions set out under the Act:

**Confidentiality**

Under section 36(2) of the Act, information is exempt information if it was obtained by a Scottish public authority from another person (including



another such authority) and its disclosure by the authority so obtaining it to the public (otherwise than under this Act) would constitute a breach of confidence actionable by that person or any other person. This is an absolute exemption and, therefore, we do not need to apply the public interest test.

### **Prejudice to Effective Conduct of Public Affairs**

Under section 30 (c) of the 2002 Act, information is exempt information if its disclosure under the Act would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs. The document we hold is still in draft form and is still under discussion with stakeholders. We consider that premature disclosure of the document may constrain debate and close down future options.

As this is not an absolute exemption, we have to consider the public interest in releasing the document. On balance, we consider that there is greater public benefit in protecting the space within which government officials can explore all options available to them without being inhibited.

If you think our decision not to release the document is wrong, you do have the right to request us to review it. Any request for a review should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require a review of our decision to be carried out, please write to Chief Executive, Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH. The review will be undertaken by staff not involved in the original decision making process.

Yours sincerely

**DONNA STEWART**

Inspectorate Administration Team Leader

