

E: sarah.dillon@gov.scot

Ms Lucy Adams
BBC
Lucy.Adams03@bbc.co.uk

Our ref: FOI/17/00991
29 June 2017

Dear Ms Adams

Further to my letter of 1 June 2017, I have now completed my review of our failure to respond to your request under the Freedom of Information (Scotland) Act 2002 (FOISA) for 'all correspondence, minutes and emails in relation to:

Women accessing abortion after 16 weeks gestation in Scotland
Women (illegally – ie at home) taking abortion pills at home
The cost of abortions in Scotland'

You clarified on 21 April 2017 that this covers correspondence, minutes and emails over the past twelve months.

In accordance with section 21(4) of FOISA, I have also reached a decision on your request. I apologise for the delay in responding to you. I can now provide our response to your original request.

I enclose a copy of most of the information you requested. An extract has been provided in circumstances where the majority of the content of the document fell out with the scope of the FOI request.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because an exemption under section 38(1)(b) (personal information) of FOISA applies to that information. This exemption applies to some of the information requested because it is personal data of a third party, i.e. names and 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.

If you are unhappy with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter. Information on how to make an appeal, along with an application form, is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>. You can also contact the Commissioner at:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

E-mail: enquiries@itspublicknowledge.info
Telephone: 01334 464610

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

Yours sincerely,



Sarah Dillon
Health Protection Division