



G Scott
request-675101-eb27c0f0@whatdotheyknow.com

Our Reference: 202000058749
Your Reference: case number: 202000058749

7 September 2020

Dear G Scott,

Further to my letters of 14 and 17 August, I have now completed my review of our response to your requests under the Freedom of Information (Scotland) Act 2002 (FOISA) referenced FoI202000058749 and FoI202000058755. My review is of two responses to two Freedom of Information requests, which were both as follows:

“the last ten sets of minutes of meetings dated before the first one you sent me in foi 202000045872, relating to Bifab (Burntisland Fabrications)”.

You were dissatisfied with our initial response because you believed that we had “deleted all the information from the minutes and the public have a right to know what is going on at Bifab”.

I have concluded that the original decisions should be confirmed, with modifications.

In conducting my review, I have considered the two cases afresh and I have reviewed each individual application of the exemptions applied, in both cases. I have determined that all of the information withheld under sections 30(b)(i)(ii) and 38(1)(b) and the majority of the information withheld under sections 33(1)(b) has been done correctly, for the reasons stated in our initial response. I consider that it is not currently in the public interest for the information to be released because information is sensitive whilst discussion regarding potential support to the company is ongoing and that release could unfairly impact on the company’s engagement with suppliers and customers; potentially it could also have an unfair impact on competitor companies. This could have a significant effect on the company’s ongoing viability and retention of jobs in Scotland.

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However, I have concluded that we were not entitled to withhold a small amount of information in both cases under section 33(1)(b), and I now attach this information for case ref FoI202000058749 as an Annex. In the Annex, I have highlighted in blue font the material that has been released as part of my review. I also include in this attachment, as per your request, a glossary of abbreviations.

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.asp>

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



Ragne Low
DECC : Consumers and Low Carbon

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