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Mr Paterson

Sent by email to: [request-540360-4c86a154@whatdotheyknow.com](mailto:request-540360-4c86a154@whatdotheyknow.com)

23 January 2019

Our ref: Fol/19/00022

Dear Mr Paterson

## **REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)**

Thank you for your request dated 20 December 2018 under the Freedom of Information (Scotland) Act 2002 (FOISA).

### Your request

You asked the Scottish Government the following:

Please provide a copy of the 'Subscription and Shareholders Agreement' as referenced in the June 2018 loan agreement between Scottish Ministers, Ferguson Marine Engineering (Holdings) Limited and Ferguson Marine Engineering Limited.

### Response to your request

While our aim is to provide information whenever possible, we are unable to provide the information you have requested because an exemption under section 33(1)(b) (commercial interests) of FOISA applies to that information. More information on the exemption is provided in Annex A.

### Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Mary McAllan, Director of Economic Development, 3rd Floor, 5 Atlantic Quay, Glasgow, G2 8LU ([mary.mcallan@gov.scot](mailto:mary.mcallan@gov.scot)).

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.



If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner.

More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely

Jennifer Moore

## REASONS FOR NOT PROVIDING INFORMATION

### Exemptions apply, subject to the public interest test

An exemption under section 33 (1(b)) of FOISA applies to all of the information you have requested because it relates to commercial information that may prejudice the company.

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 development and implementation. 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.