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Mr Paterson

Sent by email to: request-540360-4c86a154@whatdotheyknow.com

Our ref: FOI/19/00022

20 February 2019

Dear Mr Paterson

Further to my letter of 25 January 2019, I have now completed my review of our response to your request under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

Provide a copy of the Subscription and Shareholders Agreement referenced in the June 2018 loan agreement to Ferguson Marine Engineering Limited (FMEL).

Outcome of review

I have concluded that the original decision should be confirmed, with modifications. This is because most of this information is already in the public domain and not sufficiently commercially sensitive.

A copy of the Subscription and Shareholders Agreement referenced in the June 2018 loan agreement to Ferguson Marine Engineering Limited can now be released in part and is attached to this email.

For the remainder of the information, I have concluded that the exemption was correctly applied and that the public interest test remains in favour of the information being withheld. It is my view that this information is sufficiently commercially sensitive such that it should not be released, for the reasons explained to you in our original response. It is not in the public interest that a company's competitors gain an advantage on future similar tendering exercises, to the detriment of that company, nor that the Scottish Government is left unable to ensure that we are always able to obtain the best value for public money when tendering for contracts. For these reasons I am content that this information has been correctly withheld.

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



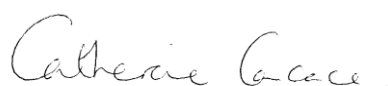
letter. Information on how to make an appeal, along with an application form, is available on the Commissioner's website at:

<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
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KY16 9DS

Yours sincerely



Catherine Cacace