



Paul Temple
request-770937-b324fd80@whatdotheyknow.com

Our Reference: 202100220759

Your Reference: Freedom of Information request - Nil by mouth correspondence

3 August 2021

Dear Paul Temple,

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

Thank you for your request dated 5 July 2021 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for copies of any and all letter and email communications between the members of the Scottish Government (or those civil servants, or any advisors, or any special advisors, acting on their behalf) listed below and any officers, directors or volunteers of the charity Nil By Mouth (<https://nilbymouth.org/>) dated between 1st January 2020 and 31st December 2020 inclusive.

Ministers:

- The First Minister
- The Deputy First Minister
- Cabinet Secretary for Justice
- Minister for Public Health, Women's Health and Sport
- The Lord Advocate

Response to your request

I enclose a copy of most of the information you requested.

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 exemptions under section 25(1) (information otherwise accessible), section 30(c) (effective conduct of public affairs) and section 38(1)(b) (personal information) of FOISA apply to that information. The reasons why

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



these exemptions apply are explained in the Annex to this letter.

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 Paul Johnston, Director General for Education, Communities and Justice, St Andrews House, Regent Road, Edinburgh, EH1 3DG. 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>.

ANNEX

REASONS FOR NOT PROVIDING INFORMATION

Exemptions under s.25(1)

An exemption under section 25 (1) applies to the attachments in Document 1 as the FOI response was published and is available at: <https://www.gov.scot/publications/foi-18-03666-appeal/>

An exemption under section 25 (1) applies to the attachments in Document 5 as the documents are published and available at: <https://www.gov.scot/publications/coronavirus-covid-19-framework-decision-making-scotlands-route-map-through-out-crisis/>

An exemption under section 25 (1) applies to the attachments in Document 15 as the decision notices are published and available at: <https://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/2020/201902093.aspx> and at: <https://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/2020/201901001.aspx>

Under section 25(1) of FOISA, we do not have to give you information which is already reasonably accessible to you. If you do not have access to the internet, we can supply a hard copy of the information withheld under this exemption upon request.

Exemption under s.30(c)

An exemption under section 30(c) of FOISA applies to some of the information you have requested because disclosure of bank details would substantially prejudice the effective conduct of public affairs. This information is highly sensitive and must be kept protected in order to protect the charity from potential fraud. Scottish public authorities use grant mechanisms to facilitate delivery of a range of services through providers, such as the Third Sector, who are best placed to deliver them. If we released the bank details of the organisations charged with the delivery of such services, there is a strong possibility that they would be unwilling to continue to participate. 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. There is no public interest in the organisation's bank details being released and the releasing of those details would result in bank account security risks.

Exemption under s.38(1)(b)

An exemption under section 38(1)(b) of FOISA applies to some of the information you have requested because it is personal data of a third party, for example names of individuals or other personal data such as email addresses and phone numbers. Disclosing this data would contravene the data protection principles in the UK General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018.

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.

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Yours sincerely

Laura Wilkinson
SCD : Community Safety Unit

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
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