

# THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

## REFUSAL NOTICE

**Request Number: 2021-669655**

**Date: 11 January 2021**

This refusal notice is provided in accordance with section 16 of the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

You have requested certain information which we have decided not to disclose to you. Further information about this decision is set out below.

<b>Information which is the subject of the request</b>	<i>In respect of point 2) please provide a breakdown between a) serious ill-health, and b) ill-health.</i>  <i>Please specify this by year of retirement.</i>
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This information is held by us but we have decided not to disclose it as we consider it to be exempt information under FOI(S)A. Details are set out below.

<b>Exemption(s)</b>	Section 38(1)(b) of FOI(S)A
<b>Why exemption(s) applies</b>	<p>Information about the extent of payments to individuals under the Scottish Parliamentary Pension Scheme broken down by serious ill-health and ill-health and by year of retirement is personal information. Given the low number of individuals who have received benefits under the scheme, 4 in total, the disclosure of information about payments received for serious ill-health and ill-health by year of retirement could enable identification of the individuals concerned either directly or indirectly. The individuals receiving such payments would have a reasonable expectation that this information about them would not be released into the public domain.</p> <p>Personal data must be processed lawfully in accordance with Article 5(1)(a) of the UK General Data Protection Regulation (UK GDPR) and personal data is only processed lawfully if the processing complies with any of the conditions set out in Article 6(1). Article 6(1)(f) is applicable in this case.</p> <p>The request gives no indication of what the requester's legitimate interests in knowing information about benefits paid to individuals for early retirement due to serious ill-health and ill-health by year of</p>

	retirement might be or why they would be engaged to the extent that they outweigh the legitimate interests of the individuals concerned that their personal information remain private. It is our view, therefore, that the interests of the individuals concerned outweigh those of the requester and this information should not be disclosed.
<b>Public interest (where relevant)</b>	As section 38(1)(b) is an absolute exemption it is not subject to the public interest test.