

THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

REFUSAL NOTICE

Request Number: 2021-669657

Date: 11 January 2022

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.

Information which is the subject of the request	<i>Please could you provide me with a schedule of resettlement grants disbursed by SCPB by year and by MSP including the length of service and base financial amount used in the calculation.</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.

Exemption(s)	Section 38(1)(b) of FOI(S)A – personal data
Why exemption(s) applies	<p>Section 38(1)(b) provides an exemption to the disclosure of information where the information contains personal data, the disclosure would be in breach of Article 5 of the UK GDPR. Article 5 requires that all personal data be processed lawfully, fairly and in a transparent manner.</p> <p>Personal data is information from which an individual can be identified. The disclosure of information about former Members who have received payment of resettlement grants together with the amount of the payments received by year is the personal data of the individuals concerned.</p> <p>Processing of personal data must be carried out lawfully and fairly. We can identify no legal basis for disclosure of the individuals' personal data in this case. Former Members who have received private resettlement grants would have a reasonable expectation that this information would not be disclosed. They have not consented to its disclosure and to do so would be neither lawful nor fair.</p>
Public interest (where relevant)	As section 38(1)(b) is an absolute exemption it is not subject to the public interest test.

