

THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

REFUSAL NOTICE

Request Number: 2022-682287

Date: 22 December 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 break this down by the list of associated cases or disputes, and their individual cost</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) – personal data, as read with section 38(2A)(a)
Why exemption(s) applies	<p>Personal data is information from which an individual can be identified. Publishing details of the four contentious matters concerning individuals would, in those cases, disclose the identities of the data subjects. In these circumstances, that information is exempt from disclosure under section 38(1)(b) of FOI(S)A as read with section 38(2A)(a).</p> <p>Personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject (the first data protection principle contained in Article 5(1)(a) of the UK GDPR). In order to be processed lawfully, the processing must satisfy a condition in Article 6.</p> <p>If a requester has a legitimate interest in disclosure of the information, we must consider whether the disclosure is necessary to meet that legitimate interest. If so, we must balance this right with the rights of the data subjects.</p> <p>However, in this case we have not been provided with nor can we identify a legitimate interest in or a legal</p>

	<p>basis for disclosure of each individual matter that would override the legitimate interests of the data subjects.</p> <p>Identifying the individual cases in a meaningful way in order to ascribe a particular expenditure to each would necessitate disclosure of identities. The individuals concerned would have a reasonable expectation that this information about them would not be disclosed into the public domain and we do not have their consent to do so.</p> <p>We do accept that there may be a general interest in overall spending levels but we consider that is met by the disclosure of the legal spend information detailed in the attached Response Letter.</p>
<p>Public interest (where relevant)</p>	<p>As section 38(1)(b) is an absolute exemption (where disclosure would contravene the Data Protection principles in Article 5(1) of the UK GDPR) it is not subject to the public interest test.</p>