

# THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

## REFUSAL NOTICE

**Request Number: 2023-690633**

**Date: 21 August 2023**

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>A copy of Angus Robertson, MSP for Edinburgh Central, expenses claim entries incurred in the period 20/03/2023 to 19/04/2023.</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 39(1) of FOI(S)A
<b>Why exemption(s) applies</b>	<p>In terms of section 39(1) information may be withheld if disclosure would, or would be likely to, endanger the physical or mental health or safety of an individual. The exemption applies to a single individual, or a group of people.</p> <p>Some of the information requested would reveal details relating to the safety and security of MSPs and their staff. Disclosing this information would, or would be likely to, endanger their physical or mental health or safety. Disclosing information in response to an FOI request has the effect of putting the requested information into the public domain. Following attacks which resulted in the death of two MPs there are well-founded reasons for concerns regarding the safety of MSPs and their staff.</p>
<b>Public interest (where relevant)</b>	<p>Section 39 (1) is a qualified exemption which means that application of this exemption is subject to the public interest test. We therefore have to consider whether, in all the circumstances, the public interest in disclosing this information is outweighed by the public interest in maintaining the exemption. Whilst MSP expenses which reveal information relating to safety and security of MSPs and their staff may be of interest to the public, that is not the test. As noted in the</p>

	<p>guidance provided by the Scottish Information Commissioner on the public interest test, “public interest” in this context has been described as something which is “of serious concern and benefit to the public”, not merely something of individual interest. The guidance also mentions that the term “public interest” has also been described as something that is “in the interest of the public”, not merely “of interest to the public.” Whilst the disclosure of the withheld information in this case may be of individual interest to a number of members of the public, it is necessary to consider more generally whether it better serves the public to withhold rather than disclose the advice. We consider that it is in the interests of the public to ensure that we do not release information that would or would be likely to endanger the physical or mental health or safety of Members and their staff. Accordingly, we are of the view that in this instance the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption.</p>
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