Audit and Assurance Committee Freedom of Information (Scotland) Act Exemption Form

The author must complete this page before submitting the paper to the Business Support Office.

Publication

To demonstrate openness and transparency, all governance group papers will now be published on the website of Social Security Scotland. All governance group papers should be written in line with the Writing for Publication Guidance.

Papers which contain sensitive information which should not be published must set out the reasons why. The author must identify the relevant exemption which should apply. The exemption should be stated in the section below, with the reasoning for this decision. Please speak to the Data Protection and Information Governance team before submitting your paper if you are unsure which exemption may apply.

1. I am aware that this paper may be published in the public domain and I am content for the information to be published. ☐

2. I believe information in this paper should be withheld from publication and that an exemption applies. ☒

2.1. Please state the exemption and explain your reasoning:

I consider that some information is exempt;

Under section (38(1) (b)) of the Act. The information is exempt because disclosing the personal data would contravene any of the data protection principles in Article 5(1) of the General Data Protection Regulations.

Under Section 35(1)(a), "(1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially—
(a) the prevention or detection of crime;"
To highlight these areas of weakness in the process would clearly increase the likelihood of benefit fraud, as those who may otherwise not have submitted a fraudulent claim may feel encouraged to do so, and as such, would cause substantial prejudice. This exemption is subject to the public interest test, and as such, we must weigh up the competing arguments of why the public interest would be served by disclosing the information, against why it would be served by withholding it. In this instance the public interest in disclosure is outweighed by the fact that the public interest would not be served if disclosure increased benefit fraud.

Paper Summary for Website Publication (max 100 words)

Internal Audit report Scottish Child Payment.

Paper authors should write a short paragraph here to summarise the content of the paper.