Atrium Court
50 Waterloo Street
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G2 6HQ
Telephone 0300 013 3385
www.scottish-enterprise.com

Scottish Enterprise

6 November 2026

Michael Knox
By email: mike.knoxy@icloud.com

Dear Mr Knox

Thank you for your request for review of our recent FOI response of 23 September 2026, and apologies for the late issue of my response.

As per section 20(3)(c)(ii) of FOISA, a requirement for review must specify the reason for the applicant's dissatisfaction with the way the public authority has dealt with the information request.

You advised that you are dissatisfied with Scottish Enterprise's response to Points 1 – 4 of your request.

Question 1 – Expenditure

Your original request asked for a breakdown of all expenditure by Scottish Enterprise (SE) relating to the promotion of Scotland as a data centre location from 2020 to date. Our response advised that SE does not promote data centres or undertake any proactive lead generation of marketing of Scotland as a destination for potential green data centre investment.

Your review request states that this should include expenditure in relation to staff time responding to enquiries, attendance at Host in Scotland events and any marketing collateral produced, even if on a reactive model of engagement.

We do not have records or processes which would allow us to estimate expenditure of staff time responding to enquiries or attending events, therefore, Section 17 (Information not held) is applied.

We have identified an email which is included in Appendix 1 which relates to SE's contribution to a piece of work Scottish Futures Trust commissioned on data centre site selection. Names and contact details of individuals have been redacted and withheld under Section 38(1)(b) of FOISA. Information on how the exemption has been applied is included at the end of this letter.

Question 2 - Application of Section 33(1)(b)

You have asked that the FOI Review considers the application of Section 33(1)(b) in relation to the names of the organisations which SE has engaged with in relation to data centres.

The information held has been sourced through our international investor engagement activity. The nature of the withheld information and the circumstances in which it was provided to SE are such that there is an implied duty of confidentiality. SE must be able to assure the businesses we engage with that sensitive information will not be released as a result of their involvement with SE. We consider that release of this information, which is not in the public domain, would provide insights into the organisations' potential investment interests in Scotland.

The Public Interest test was considered as part of our response to your initial FOI request and was outlined within our response.

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I conclude that the exemption and Public Interest test was applied appropriately.

Question 3

Your initial request asked for Impact Assessments of promoted developments. Our response stated that SE has not undertaken assessments of promoted developments. Your subsequent FOI Review asked that SE considers whether any assessments have been commissioned or contributed to under any description of its activity. This has therefore broadened the scope from your original request.

We have identified information which we consider falls within this broader scope and which is included within the links below. These are reports which SE has commissioned or contributed to and which are available on our website.

- Waste Heat from Data Centres: a Strategic Review for Scotland | Scottish Enterprise
- Socio-economic Assessment of Green Data Centres in Scotland
- Green Data Centres: Approach to Estimating Economic Impact
- Farrpoint - Green Data Centre Study

Question 4 (Co-ordination with Other Bodies)

You requested correspondence with Sottish Futures Trust, Scottish Development International, Scotland IS and the Scottish Government Director for Digital regarding data centre promotion.

The original response advised that SE's engagement with Scottish Government and local authorities has been focused on responding to investor enquiries and discussing specific project opportunities. We also outlined SE's participation in the Green Data Centre Cross Cutting Working Group, as this related to the forum for discussion and coordination across organisations on matters of policy, infrastructure etc.

Your review request clarified that you were also looking for informal contact, ie meetings or internal correspondence. However, relating this back to your original request, this would be specifically in relation to discussing positions to be taken with the bodies listed regarding data centre promotion.

The information included in Appendix 1 also relates to the scope of this question. I have also attached information in Appendix 2 which is also considered to be within scope. The work referenced in Appendix 2 regarding visioning for data centres was not progressed beyond this initial brief. Names and contact details of individuals have been redacted and withheld under Section 38(1)(b) of FOISA.

Your right to apply to the Information Commissioner under FOISA

If you are dissatisfied with the outcome of the review, you have the right under FOISA to apply to the Scottish Information Commissioner within six months following the date of receipt of the review notice.

Appeals can be made online at: https://www.foi.scot/what-if-im-unhappy

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If you do not wish to appeal online, you can appeal by post, or by e-mail. Details are below:

Office of the Scottish Information Commissioner
Kinburn Castle,
Doubledykes Road,
St Andrews,
Fife,
KY16 9DS
Email: enquiries@foi.scot
Tel: 01334 464610

Please note that we will only process the personal data you have provided to respond to this request and in accordance with our privacy notice which can be found on our website: https://www.scottish-enterprise.com/about-us/transparency/privacy-notice/how-we-use-your-information/enquiries

Yours sincerely



Adrian Gillespie
Chief Executive

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Section 38(1)(b)- Personal Information

The exemption contained in section 38(1)(b) of FOISA has been applied to some of the withheld information you requested.

Section 38(1)(b) together with Article 5(1) of the GDPR creates an exemption from disclosure where the information requested constitutes the personal data of a third party and disclosure of that data would breach any of the data protection principles set out in the Data Protection Act 2018 ("DPA"). Article 5(1) states that "personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject." As an absolute exemption, there is no need to consider the public interest in the application of this exemption.

Information has been withheld from you under this exemption in respect of names and contact details of SE employees which constitutes as personal data. I am satisfied that the information that has been withheld constitutes the 'personal data' of the individuals concerned, as defined in section 1(1) of the DPA 2018.

SE has examined whether or not disclosure of the information you have requested, insofar as that is personal data, would breach the requirements of the first data protection principle.

Fairness

In assessing whether release of the information would be fair, we have had regard to the Scottish Information Commissioner's Exemption Briefing Series on the section 38 exemption, and to guidance produced by the UK Information Commissioner, who has overall responsibility for data protection issues throughout the UK. In line with that guidance, and in coming to the decision to withhold personal data on the basis that it would be unfair to release it, we have taken into consideration:

- the seniority of the individuals' positions;
- any potential damage or distress which may be caused by disclosure of the information;
- whether the information relates to the public or private life of the individual; and
- the expectations of the data subjects with regard to the release of the information.

The individuals whose personal data have been withheld are not senior public officials. The individuals do not have public profiles and disclosure of their personal data into the public domain may cause them damage or distress. It would not be within the expectation of the individuals that their personal data would be put into the public domain under FOISA.

Release of the information would therefore be unfair and consequently would be in breach of the first data protection principle and therefore also unlawful. Given that the disclosure would be unfair, and therefore unlawful, in terms of not complying with the first data protection principle, it is not necessary to go on to consider any of the conditions in schedules 2 or 3 of the DPA 2018, or other aspects of lawfulness. The information must be withheld under section 38(1)(b) of FOISA, taken together with Article 5(1) of the GDPR.

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