SG CEU FOI requests

Procedure No.:	03A
Version No.:	5
Last Updated:	25/07/2017
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Introduction

Description of how CEU work meets, and assists colleagues within the SG to meet obligations under Freedom of Information Legislation. Freedom of Information - Practical Guidance Notes

Coverage

All written, and 'Have Your Say' requests (forwarded from the website) received by email at ceu@gov.scot , plus emails redirected to the CEU. Telephone calls formally requesting information under FOI will be asked to make that request in writing, in line with FOI guidance.

Basic Principles

- All requests for information received to be treated as FOI requests.

- Where enquiry specifically states that the request is being made under the Freedom of Information Act the CEU will call the Branch Head or other relevant person, to verify that they are available to deal with request and that they are the correct business area. When email is forwarded to the person allocated by Branch Head ask for a Delivery receipt then file read receipt linking to FOI request in eRDM

- Where enquiry does not state that the request is being made under the Freedom of Information Act the CEU will forward the enquiry to the relevant department/person dealing with that subject.

- Where email has been redirected to CEU from another department, the department will be copied into the forwarding email.

- Where multiple requests are included in the one email, spanning different departments/business areas, the CEU will follow the procedure above and identify all the relevant persons/departments and forward the email to all, however, the response will be co-ordinated by the department responsible for the first named enquiry.

- Where we cannot find a member of staff willing to deal with the email send to the ET Executive Programme Hub for advice/allocation. Ask them to Cc the CEU mailbox when forwarding. Attach a delivery/read receipt

  All emails forwarded internally by the CEU will include a notice regarding potential Freedom of Information required action. (i.e. – See Appendix 1)

  The SG are required by FOI legislation to provide a response to all FOI requests we receive, including where the subject does not appear relevant to the Scottish Government. In cases where no information is held by the SG and it is known that another authority would be able to provide the information, the request should not be transferred directly to the other authority by CEU. Instead, CEU will establish the SG business area closest to the request, and colleagues will be required to send these responses on behalf of the Government. Guidance on a response in this situation can be found in the FOI Guidance

Guidance Specific to CEU Staff

- For emails specifically stating that the enquiry is made under FOI, we should call the Branch Head, to verify that they are available to deal with request and that they are the correct business area. When email is forwarded to the person allocated by Branch Head ask for a Delivery receipt/read receipt in AA CEU read receipts folder, when read receipt comes through delete delivery receipt and mark read receipts as read. This should be cleared out after 2 months. FOI requests from members of the press should be directed to the relevant business area, however, it is **VITAL** that the relevant Communications desk is **CC** in to the request.

- FOI requests for Peoples Directorate should be Bcc'd to N█████
  ████████

- FOI requests for Ministers should be directed to the relevant business area. FOI requests specific to Ministers, should be directed to the Minister's own generic box. (*i.e. If enquiry is regarding travel expenses/engagements for the Cabinet Secretary for Justice, send to cabsecj@gov.scot*) FOI requests which are about policy and which involve correspondence from/to a minister should be sent to the policy area and cc to the relevant ministerial mailbox. If request is for more than one Minister these should be sent to the relevant policy areas (cc'd to EACH relevant minister's box) and the first area should co-ordinate the response. (see email below from FOI unit confirming these arrangements) however, copy S███████ in to ALL *FOI requests for expenditure over £25K should be filed with the same file name : FOI – DG – Directorate contact can be found here.*

- Some enquiries will have been directed to us in error i.e. the enquiry does not fall within the remit of the Scottish Government. In these cases, attempt to find a department as relevant as possible to the subject matter to seek a response for the enquirer. (use signature We realise that this is probably not a matter for the Scottish Government, however, the SG is obliged to send a response, and as the Central Enquiry Unit is not a 'subject expert' in any area of SG business, we are not authorised to do that from here.

- When saving FOI enquiries to Objective always use this naming convention: 'FOI –DG initials - *subject*' Name to improve search results.

- Requests for FOI review Any request for a review should be forwarded to either the relevant DG or Director to allocate someone to review the response. Please see here for a list of Reviewer(s)

Updates

Appendix 1 added to signature July 2017

Reminder: If this email contains a request for information please remember that the Scottish Government is required to respond to all requests for information including e-mails, within 20 working days of receipt in accordance with the Freedom of Information (Scotland) Act. Please refer to the FOI Guidance. All FOI requests received must be registered on the FOI Tracker.

All FOI responses where information is released must be emailed to the FOI Unit immediately after issue, with 'FOI/EIRs TO PUBLISH' in the subject line

If the request is from a journalist, responses should be issued by the relevant communications team. Please ensure that you involve them throughout the process and also clear your draft response with SPADs and Ministers. Guidance on this is available at Steps 33 and 34 of the Step-by-Step Guide to Handling FOI/EIRs Requests.

-----Original Message-----
From: ██████ A ██████
Sent: 06 February 2008 11:39
To: ██████ B ██████
Subject: RE: FOI requests

B██

I have amended the tag on our signature as below:

Reminder: If this email contains a request for information please remember that the Scottish Government is required to respond to all requests for information including e-mails, within 20 working days of receipt in accordance with the Freedom of Information (Scotland) Act. FOI Guidance A leaflet 'How to Open Government' is available for members of the public, the FOI unit recommend that you send a copy with your response.

All requests received must be registered on the FOI Tracker. Please click here to access the FOI tracker .

This then gives them a link direct to the tracker system. Also I note from the guidance that members of staff are advised to keep the communications desk informed of any requests from the media. Our procedure (as agreed with the FOI unit) indicates that all FOI requests received from the media through the CEU mailbox are directed through the communication desk. Can you confirm that you are still happy for us to use this procedure?

-----Original Message-----
From: █████ B █████
Sent: 06 February 2008 10:32
To: Central Enquiry Unit
Subject: FOI requests

Hi

Would it be possible to add a sentence on to the reminder tag that you put on emails when forwarding to policy areas to respond?

Current tag reads;

Reminder: if this email contains a request for information please remember that the Scottish Government is required to respond to all requests for information including e-mails, within 20 working days of receipt in accordance with the Freedom of Information (Scotland) Act. FOI Guidance A leaflet 'How to Open Government' is available for members of the public, the FOI unit recommend that you send a copy with your response.

Could you add in bold - " All requests received must be registered on the FOI tracker which can be accessed via quick links on the Saltire home page."

Protocol: Allocation of FOI/EIRs, PQs and MACCS adjudication cases across DG offices

<u>1. Introduction</u>

This protocol sets out the process for managing FOI/EIRs, PQs, and MACCS adjudication cases and other similar activity across DG offices. All DG offices are signed up to it. The protocol will be regularly reviewed to ensure that it remains fit for purpose.

Cases where this process may apply include:
- Where the case has been assigned to the wrong DG office (e.g. because the subject is not well defined);
- When there is no Directorate with policy responsibility for the topic; or
- When more than one Directorate across DG areas has a contribution to make but there is no one overall lead.

<u>2. Basic principles</u>

Pick up the phone!
- Do not automatically reject a case.
- Whenever possible, speak to other DG offices / relevant officials rather than emailing.

Find a willing home!
- If the case is not for your DG (or you don't think it is), speak to other DG office(s) or officials in another DG area to identify other areas that may have ownership.
- Officials in your DG should not reject a case without suggesting someone else who could deal with it.
- If contacting officials in another DG area direct always let the relevant DG office know that you have done so.
- When transferring an FOI/EIRs request, rejecting a PQ or informing MCU about a MACCS adjudication case, copy in the official who is taking it on and the relevant DG office, noting that the official has agreed to take the case.
- The DG office with line management responsibility for the policy area taking on the PQ assigns the case through the PQ system.
- The official who takes on responsibility for responding to an FOI/EIRs request, or co-ordinating the response, should log it on the <u>FOI Tracker.</u>

<u>3. Rules that may be applied</u>

- If there's more than one topic covered in the FOI/EIRs request or MACCS correspondence but no agreement about who takes the lead, the case will be allocated to officials responsible for the **first substantive topic mentioned** to co-ordinate a response.

- Where more than one Directorate / DG area has a contribution to make but there is no agreement about who takes the lead, the FOI/EIRs request, PQ or MACCS case will be allocated to the Directorate / DG area **most closely connected to the Minister responsible** for replying.

- Where the **subject matter is unclear for PQs from Government backbenchers**, the DG office should check quickly with the relevant Special Adviser or Private Office to see whether they can get clarification from the MSP to enable accurate allocation. This is particularly important for Oral PQs, where officials may need help with supplementaries.

- If the **MACCS case is a diary case**, check if any officials have already asked Private Office whether the Minister is available or willing to take on the engagement. The Private Office may be prepared to issue their standard refusal letter as a way of resolving stalemate about allocation.

4. Deadlines for DG allocation

To give officials as much time as possible to prepare responses, DG offices should assign cases within the deadlines set out in the tables below:

FOI/EIRs adjudication cases

Action	Working Day
Request received by the Scottish Government	Day 1
Deadline for re-directing request to another official or asking DG to adjudicate	Day 3*
Deadline for completion of DG adjudication	**Day 4**
Statutory deadline for issuing response	Day 20

*If a request has been with an official for more than 72 hours before being re-directed, that official is obliged to lead on the reply.

Parliamentary Questions

PQ Type	Assigned by Parly Clerk office	Deadline for DG allocation	Due to Ministerial Private Office*
Topical Questions	Monday pm	**By 5pm Monday**	Tuesday 9.30am
S4F FMQ	Monday pm	**By 5pm Monday**	Tuesday 2pm
Oral PQ: Portfolio	Wednesday pm	**By 12 noon Friday**	Monday 2pm
Oral PQ: General	Wednesday pm	**By 12 noon Friday**	Tuesday 2pm
Written PQ	Day 1 (e.g. Thurs week 1)	**By 5pm Day 2 (e.g. Fri week 1)**	Day 6 (e.g. Thurs week 2)

*NB: these are the system deadlines, some Private Offices may have different deadlines in place

MACCS adjudication cases

Deadlines are less easy to define as it depends on how long the case has been with officials or MCU before adjudication. The following timescales are a general guide:

Action	Working Day
Assigned by MCU	Day 1
Deadline for Action Officer to re-direct to another Action Officer or reject to MCU	Day 3 (i.e. the '72-hour rule')*
Deadline for MCU to re-allocate	Day 4
Deadline for completion of DG adjudication	**Day 6**
Due to Ministerial Private Office	Day 10

*If a case has been with an Action Officer for more than 72 hours before being rejected, that Action Officer is obliged to lead on the reply. MCU should automatically return the case to them but DG offices should also check whether adjudication cases fall within this rule for allocation.

5. Final Resolution of Difficult Cases

Each DG office should **nominate an individual** (e.g. the team leader) to make the final decision about difficult cases.

Where there is a danger that cases will not be resolved in time to meet the DG allocation deadline, the nominated individuals from the DG offices involved should agree who will answer the FOI/EIRs, PQ or MACCS case. Their **decision will be final.**

Once the case has been assigned, the DG offices involved should **review and agree ownership** of the subject, to avoid delays in allocation in the future.

6. Links to guidance/ useful information

Step-by-step guide to handling FOI/EIRs Requests -
http://sgsharepoint/sites/freedomofinformation/FOIEIR%20Wiki/Requests.aspx

PQ guidance--
http://intranet/Resource/Doc/NoTopic/0030769.pdf

MACCS user guides - http://intranet/InExec/Corporate-Systems/MACCS/UserGuides

Parliamentary Business: Business Bulletin (Section D — Oral Questions; Section E— Written Questions) –
http://www.scottish.parliament.uk/parliamentarybusiness/BusinessBulletin.aspx

Motions, Questions and Answers Search facility -
http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx

List of current MSPs —
http://www.scottish.parliament.uk/msps/177.aspx