

**From:** [REDACTED]  
**Sent:** 01 March 2018 16:48  
**To:** [REDACTED]Corporate Communications  
**Cc:** CUKR : Freedom of Information Unit; Davidson I (Ian) (CUKR); Rogers DA (David) (Strategy and Constitution Director); [REDACTED]; FoI SpAds PO; [REDACTED]  
**Subject:** RE: FOI/18/00302 - Handling of FOI by SpAds - response due 7 march 2018

I'm content with the lines provided FOI unit and corporate comms colleagues are happy.

Thanks

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 01 March 2018 09:17  
**To:** [REDACTED]; Corporate Communications  
**Cc:** CUKR : Freedom of Information Unit; Davidson I (Ian) (CUKR); Rogers DA (David) (Strategy and Constitution Director); [REDACTED]; FoI SpAds PO  
**Subject:** FW: FOI/18/00302 - Handling of FOI by SpAds - response due 7 march 2018

[REDACTED]

Please see the draft FOI response below that has been sent to Mr Fitzpatrick for consideration, a similar draft response to another FOI will also be sent to Mr Fitzpatrick today. We have some suggested lines of communication for your consideration:

- When preparing FOI responses, officials consider carefully, on a case-by-case basis, whether input or clearance is required from relevant parts of the organisation, including other officials, Special Advisors and Ministers.
- The legal duty to comply with Freedom of Information (FOI) legislation lies with Scottish Ministers. Given this accountability, it is entirely appropriate for Ministers to consider whether they are content with proposed information being released and that the exemptions are applied in line with the legislation.
- Guidance on the roles of Ministers and Special Advisors has been publicly available via the FOI section of our website for several years.

Kind regards  
[REDACTED]

[REDACTED]  
See our FOI SharePoint site at: <http://sqsharepoint/sites/freedomofinformation>  
Please note I work from home on a Friday

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**From:** [REDACTED]

**Sent:** 01 March 2018 08:52

**To:** Minister for Parliamentary Business

**Cc:** Rogers DA (David) (Strategy and Constitution Director); Davidson I (Ian) (CUKR); FoI SpAds PO; CUKR : Freedom of Information Unit

**Subject:** FOI/18/00302 - Handling of FOI by SpAds - response due 7 march 2018

Please see the attached draft response to the following FOI request from [REDACTED]–

1. Any policies, guidelines or guidance related to the handling of Freedom of Information requests by Special Advisers;
2. Details of correspondence relating to Freedom of Information requests which have been sent to the Scottish Government email account or email list “Fol SpAdS PO” – a list with the subject lines and dates of such emails would suffice to protect confidentiality;
3. Details of any Freedom of Information requests which resulted in an initial approval of information release by the FoI handling team but were subsequently amended, or rejected in part or in full following interventions by telephone or email by other officials within the Scottish Government, including Special Advisers. Such information should include dates and where appropriate copies of email correspondence relating to these FoI requests.

As you will see the request is for SG policy on the handling of FOI's by Special Advisers and details of correspondence with SpAds on the handling of FOIS. In the draft response we have provided information on our internal guidance along with details of how to access sharepoint. Due to the wide scope of the request for correspondence we have applied the upper cost limit to questions 2 and 3.

The draft response has been considered by SpADs who are content. The due date for response is 7 March 2018, apologies for the tight turnaround. I would appreciate your feedback as soon as possible.

Kind regards  
[REDACTED]

<< File: FOI-18-00392 response 23 Feb Version.docx >>

[REDACTED]

See our FOI SharePoint site at: <http://sgsharepoint/sites/freedomofinformation>

Please note I work from home on a Friday

**From:** Davidson I (Ian) (CUKR)  
**Sent:** 15 February 2018 19:48  
**To:** REDACTED]  
**Cc:** Rogers DA (David) (Strategy and Constitution Director); Spads Admin; [REDACTED]  
**Subject:** RE: FOI/18/00392 - draft response for comment

[REDACTED]

Thanks. Should [REDACTED] contact details and the mailbox address not be redacted? I've also suggested deletion of a sentence in response to Q 2, on basis that it duplicates the same point



FOI-18-00392 - special adviser...

made more fully later in the response. Please t ake these in or not as you see fit and put to [REDACTED] for comment.

Ian

IAN DAVIDSON  
 Constitution & UK Relations Division  
 Scottish Government  
 [REDACTED] St Andrews House

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 14 February 2018 12:42  
**To:** Davidson I (Ian) (CUKR)  
**Cc:** Rogers DA (David) (Strategy and Constitution Director); Spads Admin; [REDACTED]  
**Subject:** FOI/18/00392 - draft response for comment

Ian

Cc'd – For awareness

[REDACTED] has prepared the attached draft response which I have attached for comment.

<< File: FOI-18-00392 - special adviser intervention - draft response#2.docx >>  
Happy to discuss if required.

Thanks

[REDACTED]

You can find the most recent information on FOI on the [FOI SharePoint site](#). It contains detailed guidance on all aspects of FOI, as well as step-by-step guides to answering a request and doing an internal review, response templates and sample reasons.



T: [REDACTED]  
E: [REDACTED]@gov.scot

[REDACTED]  
By Email: [REDACTED]

Your ref: FoI/18/00392  
[REDACTED]

## REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 7 February 2018 under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

1. Any policies, guidelines or guidance related to the handling of Freedom of Information requests by Special Advisers;
2. Details of correspondence relating to Freedom of Information requests which have been sent to the Scottish Government email account or email list "FoI SpAdS PO" – a list with the subject lines and dates of such emails would suffice to protect confidentiality;
3. Details of any Freedom of Information requests which resulted in an initial approval of information release by the FoI handling team but were subsequently amended, or rejected in part or in full following interventions by telephone or email by other officials within the Scottish Government, including Special Advisers. Such information should include dates and where appropriate copies of email correspondence relating to these FoI requests.

### Response to your request

I have responded to each part of your request below:

1. I have enclosed a copy of some of the information you have requested. Our internal guidance for working with Special Advisers on Freedom of Information requests can be found at Annex A.



In addition, the remainder of the information you have requested is available from <https://foiguideance.sgworksite.org.uk> using the guest log in - Username: SCOTLAND\foi and Password: Scotland1 (<https://beta.gov.scot/publications/freedom-of-information-document-collection/> - section on guidance for public bodies).

You may find it helpful to refer to the information within the step by step guide to requests and reviews and in particular step 33 for requests and 32 for reviews which details guidance relating to FOI handling by Special Advisers.

Under section 25(1) of FOISA, we do not have to give you information which is already reasonably accessible to you. If, however, you do not have internet access to obtain this information from the website(s) listed, then please contact me again and I will send you a paper copy.

2. While our aim is to provide information whenever possible, in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. It may help if I explain that whenever a new FOI request is registered, a new casefile is created on our Electronic Records & Data Management system for information relating to that request. Therefore in order to determine the volume of correspondence relating to FOI requests which has been sent to 'Fol SpAdS PO' mailbox we would need to open and review the information contained within the case files for each individual request received to ascertain whether we hold any correspondence relevant to this part of your request. We would also need to ask every individual involved in answering the FOI request in order to check for correspondence sent to Fol SpAdS PO mailbox which may not have been saved in the casefile. ~~You have not limited your request to a specific period of time and therefore we would be unable to limit our searches to a specific time period.~~ In 2017 alone we received over 3000 FOI requests. Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12.

You may, however, wish to consider reducing the scope of your request in order that the costs can be brought below £600. You may find it helpful to note that the Scottish Government publishes FOI responses where information has been released. You will find details of information released by searching using FOI - <https://beta.gov.scot/publications/>

You may wish to identify, specific request(s) or a particular topic that you are interested in to reduce the scope of the request and as your request is not limited by time, you may also wish to consider if there is a particular time period in which you are most interested.

[redacted] You may also find it helpful to look at the Scottish Information Commissioner's 'Tips for requesting information under FOI and the EIRs' on his website at: <http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>.

3. While our aim is to provide information whenever possible, in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. It may help if I explain that whenever a new FOI request is registered, a new casefile is created on our Electronic Records & Data Management system for information relating to that request. This information is not centrally recorded. We would need to open and examine all of the documents within each file to ascertain whether they contain any record of involvement of any of the roles listed above. In addition, as some of the details you have requested may not be recorded in the casefile, we would also need to contact all of the individuals involved in the handling of each case to confirm if they held any further

information concerning their involvement which had not been saved in the casefile. In 2017 alone we received over 3000 FOI requests. Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12.

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<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>

### Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Head of FOI Unit, 2W, St Andrew's House, Regent Road, Edinburgh, EH1 3DG or email [foi@gov.scot](mailto:foi@gov.scot). Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:  
<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely

[redacted]

Annex A

## Working with special advisers (SPADs)

### 1. Freedom of Information requests and special advisers

Special advisers are asked to comment on a high volume of Freedom of Information (FOI) requests on a weekly basis. Requests from journalists, MSPs, MPs, political researchers or other high profile

requesters who may use the information requested in the media or parliament should normally be considered by special advisers and ministers.

If in any doubt, please contact the private office direct before sending through a request. [redacted] is the first point of contact on [redacted] .

## 2. Special advisers FOI mailbox

In order to ensure all cases are monitored and to avoid unnecessary email traffic within the office, we've created a specific FOI mailbox. All FOI requests requiring the attention of special advisers should only be sent to: [redacted]

Please do not send requests to individual special advisers. It is more helpful if you can identify within your submission which special advisers you wish to comment on your proposed draft and then the private office team will allocate accordingly.

## 3. Timescale for FOI consideration by special advisers

It is important that every effort is made to comply with the statutory timescale of 20 days to respond to FOI requests. Please note you should allow **five working days** for special advisers to consider your draft response. Once special advisers have responded, time should also be allowed for ministerial clearance. If you have an urgent deadline please make [redacted] aware.

Due to the pressure of parliamentary business, special advisers will often have limited capacity to consider FOI submissions in detail on Tuesdays, Wednesdays and Thursdays. The private office can prepare cases for special advisers to view on these days, but it is helpful if you can be aware that they may not be able to comment until either a Monday or Friday.

## 4. Submitting FOI responses to special advisers

Please ensure the following is provided:

- the FOI case number, the response deadline, the name of the requester and their occupation (if press or political)
- a copy of the original request
- a brief synopsis/submission of the request highlighting any potential sensitivities
- a clear and concise response which complies with the [FOI step-by step guide](#) and contains all the necessary facts and figures
- where appropriate, some context in the response to the information being released. For example, a request for the cost of a particular contract could also provide a narrative about why the money was spent and the benefits accrued as a result
- if media related it is beneficial to provide comms lines to take/handling plan with the collaboration of comms colleagues
- confirmation that FOI unit has been consulted regarding formatting and the exemptions that have been applied

If there is a large volume of material within scope of the request it is helpful if you can highlight specific areas of interest or sensitivity, especially information that has never been released before.

Special advisers will not always have the detailed background knowledge that the policy official dealing with the response will have. Such analysis will help reduce the amount of time that a special adviser will require to consider such a response.

Also, including a schedule which presents which information is being released and that which is not, with the correct exemptions applied and clearly explained, will make the process much swifter and less confusing.

**From:** [REDACTED] on behalf of Minister for Parliamentary Business  
**Sent:** 06 March 2018 09:27  
**To:** [REDACTED]; Minister for Parliamentary Business  
**Cc:** Rogers DA (David) (Strategy and Constitution Director); Davidson I (Ian) (CUKR); FoI SpAds PO; CUKR : Freedom of Information Unit  
**Subject:** RE: FOI/18/00302 - Handling of FOI by SpAds - response due 7 march 2018

[REDACTED]

Thanks for this, Mr FitzPatrick has cleared. Grateful if the response can issue today after 1400.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 01 March 2018 08:52  
**To:** Minister for Parliamentary Business  
**Cc:** Rogers DA (David) (Strategy and Constitution Director); Davidson I (Ian) (CUKR); FoI SpAds PO; CUKR : Freedom of Information Unit  
**Subject:** FOI/18/00302 - Handling of FOI by SpAds - response due 7 march 2018

Please see the attached draft response to the following FOI request from [redacted] –

1. Any policies, guidelines or guidance related to the handling of Freedom of Information requests by Special Advisers;
2. Details of correspondence relating to Freedom of Information requests which have been sent to the Scottish Government email account or email list "FoI SpAdS PO" – a list with the subject lines and dates of such emails would suffice to protect confidentiality;
3. Details of any Freedom of Information requests which resulted in an initial approval of information release by the FoI handling team but were subsequently amended, or rejected in part or in full following interventions by telephone or email by other officials within the Scottish Government, including Special Advisers. Such information should include dates and where appropriate copies of email correspondence relating to these FoI requests.

As you will see the request is for SG policy on the handling of FOI's by Special Advisers and details of correspondence with SpAds on the handling of FOIS. In the draft response we have provided information on our internal guidance along with details of how to access sharepoint. Due to the wide scope of the request for correspondence we have applied the upper cost limit to questions 2 and 3.

The draft response has been considered by SpADs who are content. The due date for response is 7 March 2018, apologies for the tight turnaround. I would appreciate your feedback as soon as possible.

Kind regards  
[REDACTED]

<< File: FOI-18-00392 response 23 Feb Version.docx >>

[REDACTED]

See our FOI SharePoint site at: <http://sgsharepoint/sites/freedomofinformation>  
Please note I work from home on a Friday

**From:** [REDACTED]  
**Sent:** 28 February 2018 15:37  
**To:** [REDACTED]; FoI SpAds PO  
**Cc:** Davidson I (Ian) (CUKR); Rogers DA (David) (Strategy and Constitution Director); [REDACTED]  
**Subject:** RE: FOI-18-00392 - special adviser intervention - draft response#2 (2)

[REDACTED]

[REDACTED] has considered the response and has suggested some additional changes which I have marked up on the attached.

Subject to those changes being made [REDACTED] is content for the response to go to Mr FitzPatrick for clearance.

Grateful if you could liaise with Comms Colleagues [REDACTED] to prepare lines to take in advance of the response issuing.

[REDACTED]



FOI-18-00392  
 response 23 Feb...

[REDACTED]

All e-mails and attachments sent by the Special Advisers' Private Office to another official on behalf of Special Advisers relating to a decision, request or comment made by a Special Adviser, or a note of a meeting with Special Advisers must be filed appropriately by the primary recipient. The Private Office does not keep official reports of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot).

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**From:** [REDACTED]  
**Sent:** 20 February 2018 11:08  
**To:** [REDACTED]; FoI SpAds PO  
**Cc:** Davidson I (Ian) (CUKR); Rogers DA (David) (Strategy and Constitution Director); [REDACTED]  
**Subject:** RE: FOI-18-00392 - special adviser intervention - draft response#2 (2)

[REDACTED]

Thanks for this – I am content with that change and that we explain it is an email address. I will make the same change to the other response I have been working on.

Will put to Special Advisers for consideration.

[REDACTED]

[REDACTED]

All e-mails and attachments sent by the Special Advisers' Private Office to another official on behalf of Special Advisers relating to a decision, request or comment made by a Special Adviser, or a note of a meeting with Special Advisers must be filed appropriately by the primary recipient. The Private Office does not keep official reports of such e-mails or attachments.

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**From:** [REDACTED]

**Sent:** 20 February 2018 09:10

**To:** [REDACTED]; FoI SpAds PO

**Cc:** Davidson I (Ian) (CUKR); Rogers DA (David) (Strategy and Constitution Director); [REDACTED]

**Subject:** RE: FOI-18-00392 - special adviser intervention - draft response#2 (2)

Hi [REDACTED]

Thanks for your suggested revision.

[REDACTED]– SECTION 30(b)(i)

I have amended the wording slightly as we need to acknowledge that there is a public interest in release as part of our response. I also wondered if we could just state 'An e-mail address has been redacted' rather than a small amount of information, but I will leave that up to you to judge.

If you are content with the suggested, can you please put to Special Advisers to consider.

<< File: FOI-18-00392 response (2).docx >>

Happy to discuss

Kind regards

[REDACTED]

[REDACTED].

You can find the most recent information on FOI on the [FOI SharePoint site](#). It contains detailed guidance on all aspects of FOI, as well as step-by-step guides to answering a request and doing an internal review, response templates and sample reasons.

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**From:** [REDACTED]

**Sent:** 19 February 2018 11:51

**To:** [REDACTED]FoI SpAds PO

**Cc:** Davidson I (Ian) (CUKR); Rogers DA (David) (Strategy and Constitution Director); [REDACTED]

**Subject:** RE: FOI-18-00392 - special adviser intervention - draft response#2 (2)

[REDACTED]

Thanks for sight of this. As just discussed with [REDACTED]I have some concerns releasing the mailbox address - which I am proposing to redact from the response I am drafting to another FOI request which is specifically about the mailbox.

[REDACTED]- 30(b)(i)

[REDACTED] << File: FOI-18-00392 response.docx >>

[REDACTED]

All e-mails and attachments sent by the Special Advisers' Private Office to another official on behalf of Special Advisers relating to a decision, request or comment made by a Special Adviser, or a note of a meeting with Special Advisers must be filed appropriately by the primary recipient. The Private Office does not keep official reports of such e-mails or attachments.

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**From:** [REDACTED]

**Sent:** 16 February 2018 11:14

**To:** [REDACTED]; FoI SpAds PO

**Cc:** Davidson I (Ian) (CUKR); Rogers DA (David) (Strategy and Constitution Director); [REDACTED]

**Subject:** RE: FOI-18-00392 - special adviser intervention - draft response#2 (2)

Apologies, slightly updated version.

<< File: FOI-18-00392 - special adviser intervention - draft response#2 (2).docx >>

[REDACTED]

You can find the most recent information on FOI on the [FOI SharePoint site](#). It contains detailed guidance on all aspects of FOI, as well as step-by-step guides to answering a request and doing an internal review, response templates and sample reasons.

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**From:** [REDACTED]

**Sent:** 16 February 2018 11:10

**To:** FoI SpAds PO

**Cc:** Davidson I (Ian) (CUKR); Rogers DA (David) (Strategy and Constitution Director); [REDACTED]

**Subject:** FOI-18-00392 - special adviser intervention - draft response#2 (2)

Please see the attached draft FOI response to a request for information on the handing of FOI requests by SpAds. This has been cleared by Ian Davidson.

<< File: FOI-18-00392 - special adviser intervention - draft response#2 (2).docx >>

Kind regards

[REDACTED]

[REDACTED]

See our FOI SharePoint site at: <http://sgsharepoint/sites/freedomofinformation>

Please note I work from home on a Friday



T: [redacted]  
E: [redacted]

[redacted]  
By Email: [redacted]

Your ref: FoI/18/00392  
XX March 2018

[redacted]

## REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 7 February 2018 under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

1. Any policies, guidelines or guidance related to the handling of Freedom of Information requests by Special Advisers;
2. Details of correspondence relating to Freedom of Information requests which have been sent to the Scottish Government email account or email list "FoI SpAdS PO" – a list with the subject lines and dates of such emails would suffice to protect confidentiality;
3. Details of any Freedom of Information requests which resulted in an initial approval of information release by the FoI handling team but were subsequently amended, or rejected in part or in full following interventions by telephone or email by other officials within the Scottish Government, including Special Advisers. Such information should include dates and where appropriate copies of email correspondence relating to these FoI requests.

### Response to your request

I have responded to each part of your request below:

1. Much of the information you have requested is available from <https://foiguideance.sgworksite.org.uk> using the guest log in - Username: SCOTLAND\foi and Password: Scotland1 (<https://beta.gov.scot/publications/freedom-of-information-document-collection/> - section on guidance for public bodies).



You may find it helpful to refer to the information within the step by step guide to requests and reviews and in particular step 33 for requests and 32 for reviews which details guidance relating to FOI handling by Special Advisers.

I have enclosed a copy of some of the information you have requested. Our internal guidance for working with Special Advisers on Freedom of Information requests can be found at Annex A. A small amount of information has been redacted from this guidance because an exemption under section 38(1)(b)(personal information) applies to the personal data of a third party and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

An email address has also been redacted from the guidance because an exemption under section 29(1)(d) applies to that information as it relates to the operation of any Ministerial private office. This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government. However, there is a greater public interest in preserving the efficient and effective operation of the private office.

~~In addition, the remainder of the information you have requested is available from <https://foiguideance.sgworksite.org.uk> using the guest log in - Username: SCOTLAND\foi and Password: Scotland1 (<https://beta.gov.scot/publications/freedom-of-information-document-collection/> - section on guidance for public bodies).~~

~~You may find it helpful to refer to the information within the step by step guide to requests and reviews and in particular step 33 for requests and 32 for reviews which details guidance relating to FOI handling by Special Advisers.~~

Under section 25(1) of FOISA, we do not have to give you information which is already reasonably accessible to you. If, however, you do not have internet access to obtain this information from the website(s) listed, then please contact me again and I will send you a paper copy.

2. While our aim is to provide information whenever possible, in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. It may help if I explain that whenever a new FOI request is registered, a new casefile is created on our Electronic Records & Data Management system for information relating to that request. Therefore in order to determine the volume of correspondence relating to FOI requests which has been sent to 'Fol SpAdS PO' mailbox we would need to open and review the information contained within the case files for each individual request received to ascertain whether we hold any correspondence relevant to this part of your request. We would also need to ask every individual involved in answering the FOI request in order to check for correspondence sent to Fol SpAdS PO mailbox which may not have been saved in the casefile. In 2017 alone we received over 3000 FOI requests. Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12.

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[redacted] You may also find it helpful to look at the Scottish Information Commissioner's 'Tips for requesting information under FOI and the EIRs' on his website at: <http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>.

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#### Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Head of FOI Unit, 2W, St Andrew's House, Regent Road, Edinburgh, EH1 3DG or email [foi@gov.scot](mailto:foi@gov.scot). Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

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Yours sincerely

[redacted]

Annex A

## Working with special advisers (SPADs)

### 1. Freedom of Information requests and special advisers

Special advisers are asked to comment on a high volume of Freedom of Information (FOI) requests on a weekly basis. Requests from journalists, MSPs, MPs, political researchers or other high profile requesters who may use the information requested in the media or parliament should normally be considered by special advisers and ministers.

If in any doubt, please contact the private office direct before sending through a request. [redacted] is the first point of contact on x[redacted].

### 2. Special advisers FOI mailbox

In order to ensure all cases are monitored and to avoid unnecessary email traffic within the office, we've created a specific FOI mailbox. All FOI requests requiring the attention of special advisers should only be sent to: [redacted]

Please do not send requests to individual special advisers. It is more helpful if you can identify within your submission which special advisers you wish to comment on your proposed draft and then the private office team will allocate accordingly.

### 3. Timescale for FOI consideration by special advisers

It is important that every effort is made to comply with the statutory timescale of 20 days to respond to FOI requests. Please note you should allow **five working days** for special advisers to consider your draft response. Once special advisers have responded, time should also be allowed for ministerial clearance. If you have an urgent deadline please make [redacted] aware.

Due to the pressure of parliamentary business, special advisers will often have limited capacity to consider FOI submissions in detail on Tuesdays, Wednesdays and Thursdays. The private office can prepare cases for special advisers to view on these days, but it is helpful if you can be aware that they may not be able to comment until either a Monday or Friday.

### 4. Submitting FOI responses to special advisers

Please ensure the following is provided:

- the FOI case number, the response deadline, the name of the requester and their occupation (if press or political)
- a copy of the original request
- a brief synopsis/submission of the request highlighting any potential sensitivities
- a clear and concise response which complies with the FOI step-by step guide and contains all the necessary facts and figures
- where appropriate, some context in the response to the information being released. For example, a request for the cost of a particular contract could also provide a narrative about why the money was spent and the benefits accrued as a result
- if media related it is beneficial to provide comms lines to take/handling plan with the collaboration of comms colleagues
- confirmation that FOI unit has been consulted regarding formatting and the exemptions that have been applied

If there is a large volume of material within scope of the request it is helpful if you can highlight specific areas of interest or sensitivity, especially information that has never been released before.

Special advisers will not always have the detailed background knowledge that the policy official dealing with the response will have. Such analysis will help reduce the amount of time that a special adviser will require to consider such a response.

Also, including a schedule which presents which information is being released and that which is not, with the correct exemptions applied and clearly explained, will make the process much swifter and less confusing.