

## **FOI AND EIR REQUESTS – GUIDANCE ON CLEARANCE PROCESSES**

**Officials should use the following as a guide on whether or not a request or review needs comments from special advisers and clearance from Ministers. If they are still unsure in relation to a request they should check with their managers and/or with the special advisers' office [Redacted] or the relevant Minister's private office.**

**Where cases need to be considered by special advisers and Ministers officials should allow two weeks for this (special advisers normally require five working days and Ministers should be given at least three working days plus allow a bit of time for making any changes if needed). Guidance is available on how to seek clearance.**

Requests from journalists, MSPs, political researchers or other high profile requesters where the information requested may be used in the media or in Parliament – these should normally be looked at by special advisers and the relevant Cabinet Secretary or Minister. The only exceptions to this are where: the response is very routine and not sensitive (either directing the requester to information already available online or stating we don't have the information in cases where we couldn't be expected to have it) or where the request and response are the same as another one which has recently been agreed with special advisers/Ministers. In the latter case officials should still send a copy of their response to their Minister(s) and special adviser(s) for information.

Requests from individuals or others not in the categories above should also be sent for clearance in any cases where the information proposed for release is either considered sensitive or may attract media or Parliamentary scrutiny.

Requests from individuals or organisations that are not considered sensitive or likely to lead to media interest can be cleared by managers at a local level unless a special adviser or Minister has informed the policy area that they wish to see the draft response – special advisers and Ministers should aim to let officials know early on if there are new requests from the weekly update that they want to consider (unless it very clearly falls into category 1. or 2. above).

For reviews, those reviews which simply uphold the terms of the SG's request response with no significant changes do not require clearance unless the case is considered very sensitive/high profile. However, when the reviewer is proposing release of further information or other significant modifications to the original response, it should be considered by special advisers and Ministers if the case falls within either categories 1. or 2. above.

[Return to Guidance.](#)