

T: 0131-244 3819 F: 0131-244 3120
E: xxxxxx.xxxxxx@xxxxxxxxx.xxx.xxx.xx



xxxx xxxxxxxx

By email

xxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxx.xxx

Our ref: Fol/14/00595
12 May 2014

Dear [REDACTED]

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

Thank you for your request dated 6 April 2014 under the Freedom of Information (Scotland) Act 2002 (FOISA). Please accept our apologies for the delay in our response.

Your request

You asked for “a copy of the gifts and hospitality register for 2013/14”.

Response to your request

Scottish Government staff are occasionally offered gifts or hospitality while carrying out normal official business. Although these items were recorded as gifts to officials, these are mainly in respect of events, working lunches or dinners, which officials attend on behalf of the Scottish Government as part of their jobs. There are clear guidelines and procedures in place, balancing accepted business practice and social convention while avoiding impropriety and conflict of interest. The Scottish Government enforces a clear, consistent policy regarding gifts and hospitality. Due to their forward facing nature, some posts will attract a higher number of offers of gifts and hospitality than others, such as posts involving diplomatic relations or cultural promotion.

I enclose a copy of most of the information you requested as an Excel spreadsheet. A guide to interpreting this spreadsheet is attached as Annex A to this letter.

Information on gifts and hospitality received by the strategic board up to 31 December 2013 is already available to you at: <http://www.scotland.gov.uk/About/People/strategic-board/business-expenses>. Under section 25(1) of FOISA, we do not have to provide you with information if it 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.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because exemptions under section s.21(1) (information intended for future publication), section s.33(2)(a) (the economic



interests of the United Kingdom) and section s.38(1)(b) (personal information) of FOISA applies to this information. The reasons why these exemptions apply are explained in the Annex B to this letter.

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 the Director General Governance & Communities, R1 Spur, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD, email: xxxx@xxxxxxxx.xxx.xx. 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 rights is available on the Commissioner's website at: www.itspublicknowledge.info.

Yours sincerely



Andrew Bell
HR Management Information and Analysis Team
Human Resources Division

GUIDE TO INTERPRETATION OF THE DATA TABLE

Where all data within a cell are withheld as a result of exemption 38(1)(b) (personal data), the cells have been shaded black. Where only part of the data have been redacted, this is indicated with square brackets, thus [text]. Some grade data have also been withheld where the combination of grade and Directorate presents a significant risk of personal identification. This is marked on the spreadsheet in the “grade name” column as [Redacted].

Where data are withheld as a result of exemption 33(2)(a) (the economic interests of the United Kingdom) this is indicated with square brackets, thus [text]. Where possible, we have indicated the general content that has been removed.

You will wish to note the additional contextual data regarding some entries in the final column, shaded grey. Please note this information was not recorded on our systems, but has been sourced directly from staff to provide additional context for the data being released.

Grade data are not recorded for secondees. This is noted where relevant.

Where no data are held in a given field this is represented by a blank cell.

REASONS FOR NOT PROVIDING INFORMATION

Exemptions apply

An exemption under section 38(1)(b) (personal information) of FOISA applies to some of the information requested. This exemption applies because the information is personal data of a third party and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. We have applied this exemption in a manner consistent with the recent Scottish Information Commissioner's decision 230/2013.

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.

A further exemption under section s.33(2)(a) (the economic interests of the United Kingdom) of FOISA applies to some the information you have requested. This exemption applies because disclosure of this particular information would, or would be likely to, prejudice substantially the economic interests of the whole or part of the United Kingdom.

This exemption is subject to the 'public interest test'. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is some public interest in release because of a public interest in ensuring transparency in government. However, this is outweighed by the public interest in ensuring a healthy economy.

A further exemption under section 27(1) of FOISA applies to some of the information requested, namely gifts and hospitality offered to the strategic board since 01 January 2014. This exemption applies because we intend to publish the information within 12 weeks of the date of your request. We consider that it is reasonable to withhold the information until that date, rather than release this routinely published information before the planned publication date.

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 some public interest in release because a public interest in ensuring transparency in government, and this will be met by our planned publication. In the meantime, there is a greater public interest in taking the time necessary to ensure the information has been properly collated and checked before it is published as planned. Also, we see no public interest in disrupting our programme of work to release the information ahead of the intended publication date.