

[Redacted]

From: [Redacted]
Sent: 01 August 2018 16:28
To: [Redacted]; Freedom of Information
Cc: [Redacted]
Subject: RE: FOI - TS - Brexit - [Redacted]

[Redacted]

[Redacted - Not in scope]

Just to confirm that we discussed the second part of his question. While you could ask him to clarify, it does seem clear he wants all scenarios to be considered. However, you confirmed that, at this stage, you cannot be sure how much information that is likely to involve or how broadly you would have to consult. Accordingly, we agreed you probably do not need to clarify the request, but need to investigate further before you will know whether it is likely to breach the cost limit.

[Redacted]

[Redacted]

From: [Redacted]
Sent: 01 August 2018 15:41
To: Freedom of Information
Cc: [Redacted]
Subject: FW: FOI - TS - Brexit - [Redacted]

[Redacted - Not in scope]

However the following advice was on the second part.

‘For the second, I can see this could be viewed as being very wide in scope and potentially relating to anything and everything held by TS about Brexit or it could also be interpreted as relating solely to information held by TS about EU exit scenario planning. If it’s the former then it could potentially exceed the upper cost limit (you’ll have a better idea than me if this might be the

case, depending on the volume of information recorded and where held, the Saltire FOI guidance sets out the calculations for applying the cost limit.’

Thank you for your assistance in advance.

Regards,
[Redacted]

[Redacted]

Post EU Referendum Unit | Transport Scotland | Buchanan House, Glasgow G4 0HF

Tel: [Redacted] | **[Redacted]**

Please see our [privacy policy](#) to find out why we collect personal information and how we use it

[Redacted - Not in scope]

[Redacted - Not in scope]

[Redacted - Not in scope]

[Redacted]

From: [Redacted]
Sent: 02 August 2018 09:14
To: [Redacted]
Cc: [Redacted]
Subject: FoI/18/01325

[Redacted]

There is guidance available when responding to a request under section 12, including a template for drafting your response where an SG wide trawl is required at step 14 of the [step by step guide](#) to handling a request. In terms of the tracker, you would update this when the response is issued as you would for any other response (also see step 38).

I hope this is helpful.

Kind regards
[Redacted]

[Redacted] Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [Redacted] | Ext [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.

From: [Redacted]
Sent: 02 August 2018 09:09
To: [Redacted]
Subject: RE: FoI/18/01325

[Redacted - Not in scope].

[Redacted]and [Redacted] had a conversation last night and agreed that the best way to proceed was to issue a response ASAP, refusing the request on ground costs (as it would exceed £600 due to a SG trawl) but highlighting that he could narrow the scope down, which is what the clarification asked for.

Would this work? If so, how would I need to proceed in terms of the system?

Please give me a call on [Redacted] if you want to discuss this.

Thank you!

[Redacted - Not in scope]

From: [Redacted]
Sent: 01 August 2018 14:01
To: [Redacted]
Subject: RE: FoI/18/01325

[Redacted]

From discussions, as far as I remember the request for clarification in this case was in fact a request to narrow the scope of a clear but broad request. This is not a request for clarification and when attempting to narrow the scope because we consider that to respond would be likely to exceed the upper cost limit we cannot stop the clock. In any case it looks like that correspondence has not been issued.

[Redacted - Not in scope]

The question is now how best to respond to the request. To refuse the request under the cost limit after such a lengthy delay would not be considered to be good although if the request would require an SG wide trawl or you have completed a cost estimate in excess of £600 then a section 12 response may still be appropriate as this would allow a formal response to be issued and allow the applicant to submit a new request based on the advice and assistance we would offer in our cost limit response.

Alternatively, we could consider contacting the applicant to ask them to narrow the scope to allow us to respond within the cost limit, this request would remain overdue until such time a response has been issued.

[Redacted - Not in scope]

Kind regards

[Redacted]

[Redacted] Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [Redacted] | Ext [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.

[Redacted - Not in scope]

[Redacted]

From: [Redacted]
Sent: 02 August 2018 09:53
To: [Redacted]; CUKR : Freedom of Information Unit
Subject: RE: Clarification guidance

[Redacted]

Asking which area of government a requester is interested in certainly assists with narrowing a request if the cost limit is an issue and is part of the advice and assistance we should offer. I am not convinced that it merits stopping the clock so would agree this is confusing and suggest we remove the highlighted section from the guidance.

[Redacted - Not in scope]

Thanks
[Redacted]

[Redacted - Not in scope]

[Redacted]

[Redacted - out of scope]

From: [Redacted]
Sent: 02 August 2018 09:53
To: [Redacted]; [Redacted]; CUKR : Freedom of Information Unit
Subject: RE: Clarification guidance

[Redacted]

Asking which area of government a requester is interested in certainly assists with narrowing a request if the cost limit is an issue and is part of the advice and assistance we should offer.

[Redacted - out of scope]

[Redacted]

From: [Redacted]
Sent: 03 August 2018 14:52
To: [Redacted]
Cc: Corporate Communications; [Redacted]

Subject: RE: Brexit FOI [SEC=OFFICIAL] - FOI/18/02025
Attachments: Response to FOISA request regarding no deal brexit - 31072018.doc

[Redacted]

[Redacted - out of scope]

I think given as this information is not held centrally this would require an SG wide trawl to identify any information your response under section 12 would be appropriate in this case. I have tracked one small suggested change for you to consider as it may be worth asking the requester to specify a time period as well as asking him to identify a topic or area of the SG.

I hope this is helpful

Kind regards
[Redacted]

[Redacted] Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [Redacted] | Ext [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.

[Redacted]

From: [Redacted]
Sent: 03 August 2018 15:48
To: [Redacted]
Cc: Corporate Communications; CUKR : Freedom of Information Unit; [Redacted]

Subject: Brexit FOI [SEC=OFFICIAL]

All

Further to my email below and following a discussion in relation to the handling of FOI requests please now consider the following advice in drafting a response to the request you have received;

Scope

The scope of the request should be interpreted to include all information held which would fall within either part of the request. This cannot be limited to an 'assessment document' or 'contingency plan document' (including drafts of these documents) but should also include any information held in any form which assesses the impact of the UK leaving the EU for the first part and any information detailing preparations for the UK leaving the EU held in any form for the second part. I appreciate that for some areas this means that there could be a large volume of information to consider (see below for comments on cost limit).

Approach

Taking account of the advice given above, you should now look to identify any information which is held for your area.

Where this is likely to be voluminous and potentially [exceed the upper cost limit](#), you would still be required to do some work to scope the volume of information held to allow you to offer robust advice and assistance to allow the requester to narrow the scope to a more manageable level. See link for further guidance on applying the upper cost limit, including a template for response.

Where the cost limit would not be engaged, you should identify the information you hold and will need to consider whether any [exemptions](#) can be appropriately applied. I will be able to provide further advice in relation to this and will aim to maintain a consistency in approach where appropriate. I would be happy to review and discuss the application of exemptions prior to drafting a response letter.

Draft Response

Should you consider the cost limit applies and that to provide a response would exceed the upper cost limit, it would be helpful to have sight of your cost estimate and any proposed draft response. As noted above, under section 15 of FOISA we are required to provide adequate advice and assistance when responding under section 12.

Where the cost limit will not be engaged, you should draft your response using the [main response template](#). You may also find it helpful to refer to the [sample reasons](#) when completing your draft.

Once drafted

It would be helpful for the FOI Unit to be sighted on your draft response and any information you are proposing to release. Please provide a copy for comment prior to issue to me and copied to foi@gov.scot.

Should you need any further advice or wish to discuss the approach, please do not hesitate to contact me.

Kind regards
[Redacted]

[Redacted] Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [Redacted] | Ext[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.

[Redacted]

From: [Redacted]
Sent: 07 August 2018 12:28
To: [Redacted]
Cc: Freedom of Information; [Redacted]

Subject: RE: Brexit FOI [SEC=OFFICIAL] - FOI/18/02051

Hi [Redacted] ,

Thanks for this, we're now further along the road of locating and retrieving the information within scope of the request and it seems I probably over-estimated the cost in my initial estimate.

In particular, given that there has not been substantial material to retrieve from outside the team identified, it does not seem at this point that the cost limit will not be breached. Therefore, we plan to proceed with fulfilling the request.

Thanks,
[Redacted]

[Redacted] | Transport Scotland | Buchanan House, Glasgow G4 0HF
Tel: [Redacted] | Mob: [Redacted] | [\[Redacted\]](#)

From: [Redacted]
Sent: 06 August 2018 10:39
To: [Redacted]
Cc: Freedom of Information <foi@gov.scot>; [Redacted]
Subject: Brexit FOI [SEC=OFFICIAL] - FOI/18/02051

Hi [Redacted]

Thank you for sharing your initial cost estimate, I have noted some comments (in bold) below in relation to the costs for you to consider further.

Happy to discuss if required

Kind regards
[Redacted]

[Redacted] | Data Protection and Information Assets Team | iTECS | Scottish Government | V Spur | Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD | [Redacted] | Ext [Redacted]



Want to know more about the General Data Protection Regulation ([GDPR](#))? Read our Saltire pages for guidance on [registering your information assets](#), reviewing your [privacy notices](#), [consent](#) and [privacy impact assessments](#). (internal customers only)

From: [Redacted]
Sent: 03 August 2018 17:50
To: [Redacted]
Subject: FW: Brexit FOI [SEC=OFFICIAL]

Sorry [Redacted] to see minor corrections to my estimates below.

Thanks,
[Redacted]

[Redacted] | Transport Scotland | Buchanan House, Glasgow G4 0HF Tel:
[Redacted] | Mob: [Redacted] | [\[Redacted\]](#)

From: [Redacted]
Sent: 03 August 2018 17:49
To: [Redacted] _____
Cc: [Redacted] _____
Subject: RE: Brexit FOI [SEC=OFFICIAL] _____

Apologies, slight correction to my figures below in yellow to save me being annoyed about it all weekend. Everything else remains the same!

Thanks,
[Redacted]

[Redacted] | Transport Scotland | Buchanan House, Glasgow G4 0HF
Tel: [Redacted] | Mob: [Redacted] | [Redacted]

From: [Redacted]
Sent: 03 August 2018 17:20
To: [Redacted] _____
Cc: [Redacted] _____
Subject: FW: Brexit FOI [SEC=OFFICIAL] _____

Hi All,

Based on this advice I think we now need to do a cost estimate to see whether the number of files we hold. Based on our initial efforts to locate files I've done some quick estimates based on known costs to fulfil the FOI request.

My own costs are approx. £367.80:

Approx. 2,000 emails in relevant Outlook sub-folders @ 20 secs average per email = 11.11 hours (11.45 * 15 = £166.67)

Approx. 3867 email in Sent Items @ 10 secs average per email = 5.37 hours (10.74 * 15 = £161.13)

Approx. 100 files in G Drive @ 30 sec per documents (1.67 * 15 = £25)

Two boxes of paper files @ 1 hour (0.83 * 15 = £12.50)

5867 emails as a return is a lot, the Commissioner would ask if we could not be more specific to further narrow the searches and limit the returns? Keeping in mind the scope of what is being asked for and the likelihood that

some of the inbox and sent items would be duplicates/earlier versions of the same chain is there any way you can further narrow this prior to having to sift any emails individually? If not that is fine.

In addition, we would not be expected to allow more time for inbox than sent emails, this should be consistent and I would suggest 10 secs at most. There are likely to be a lot of documents you can quickly rule as out of scope.

Based on our conversations I estimate you would need at least 3 days to locate, retrieve and check that documents are within scope @ 7hrs 24 mins per day ($22.2 * 15 = \text{£}333$)

What is this cost related to? If this is eRDM searches, we would have to complete the key word searches and calculate the number of potential files identified which may fall within the scope, the time calculation here should be similar to that above X documents at X secs.

Although TS policy teams have generally indicated they do not many files which my team would not already have access to, it is likely that [Redacted] will have numerous files to locate and retrieve themselves once they return from leave. As a estimate I've applied 50% of my costs for [Redacted] and 10% for [Redacted] ($\text{£}183.90 + \text{£}36.78$) based on the likely amount of files they might hold respectively. ([Redacted] has already taken time to find emails relating to the analytical work so that would also be another marginal cost which I haven't added at this time)

This would only be required where the information that is held by [Redacted] and [Redacted] is likely to be different from the information held by you or that saved into eRDM for the official record. We would not calculate the time it takes to consider duplicate information.

This would bring the estimated costs for 'locating' and 'retrieving' to $\text{£}921.48$. See notes above. In addition, we would need to have an estimate of the % of the documents identified which would be likely to fall within the scope of the request. This will help to information the calculation. Where we can quickly assess a high percentage of the returns as out of scope this would reduce any cost of responding.

This is also before we've even considered the costs of you 'providing' the information, which given the likely sensitivity of material is likely to need heavy redaction and would add another substantial time cost for you, along with the normal copying costs for copying documents.

We would need to provide an estimated cost for this as the physical time taken to complete redactions could help to inform the advice and assistance we would provide in narrowing the scope. If the majority of documents could be released in redacted form this could be significant, however if in the main documents would be released or redacted in full then these costs would be minimal.

Grateful if you can all let me know if you think this estimate is accurate, I'm also going to check it with [Redacted] in the FOI unit. Of course, if we do decide that the request exceeds the cost limit we will need to provide advice to the requester on how they could alter their request to meet the cost limit (likely by reduce time period, or being more specific in the types of analysis / preparation they are requesting).

Thanks,
[Redacted]

[Redacted] | Transport Scotland | Buchanan House, Glasgow G4 0HF
Tel: [Redacted] | Mob: [Redacted] | [Redacted]

[Redacted]

From: [Redacted]
Sent: 09 August 2018 14:46
To: [Redacted]
Cc: [Redacted]
Subject: RE: Freedom of Information - Social Security Programme Board

Hi [Redacted] ,

Unfortunately not, I'm afraid you will have to answer each of these requests as none of them are over the cost exemption limit. Also, in [Redacted] role, it is not unreasonable for him to submit this amount of FOIs – especially on the back of a s12 refusal and he has narrowed the scope.

We are only able to charge £15 per hour for the purposes of FOISA – regardless of pay grade – so the most expensive request below only comes in at £255 based on your hourly estimates. Whilst we can include the time taken to locate, retrieve and provide documents (including redaction) , we cannot consider “thinking time” which, looking at your estimates, I assume you have done.

Hope this helps,

[Redacted]

From: [Redacted]
Sent: 08 August 2018 16:12
To: [Redacted]
Cc: [Redacted]
Subject: Freedom of Information - Social Security Programme Board

Hi [Redacted] ,

You spoke with my colleague [Redacted] yesterday about the 11 FOI requests regarding the Social Security Programme Board and in addition the review that has been requested.

This is not a suggested response but we wondered if the costs below are enough to potentially warrant a vexatious request? As you can see it will put a significant burden on the team. These costs do not take into account the ongoing review.

11 FOI requests received on 3 August 2018 and worked out the estimated costings for completion of each based on the guidance provided.

Agendas (5 documents, redaction required)

Original request - Under FOISA please provide the minutes and agendas for the Social Security Programme Board over the past year the past year.

Amended request - If this request could be narrowed to the agendas, that would be great. By agendas I mean the simple agenda, as opposed to the agenda and meeting papers.

B3 4 hours £110.24

C3	3 hours	£109.11
SCS-D	3 hours	<u>£205.77</u>
		£425.12

Agency Set Up (5 documents, redaction required)

Under FOISA, please provide a list of the number and dates Papers relating to Agency Set Up papers submitted to the Social Security Programme Board since September 2017.

Please also provide the papers submitted to the Programme Board.

B3	6 hours	£165.36
C3	3 hours	£109.11
SCS-D	3 hours	<u>£205.77</u>
		£480.24

Programme Director Updates (10 documents, redaction required)

Under FOISA, please list the number and dates that Programme Director Updates papers were submitted to the Social Security Programme Board since September 2017.

Please also provide the Programme Director Updates papers submitted to the Programme Board.

B3	5 hours	£137.80
C1	3 hours	£109.11
C3	2 hours	£96.06
SCS-D	2 hours	<u>£137.18</u>
		£480.15

Following 3 Risk Register requests run risk of potential duplication.

Risk Register Artefacts (5 papers, redaction required)

Under FOISA, please provide a list of the risks included in the Programme Risks Register Artefacts papers submitted to the Social Security Programme Board since September 2017.

Please also list the number of those risks which appear under each risk category, as well as those categories.

Please also list how many risks have been regarded as tolerable, treat, transfer and terminate.

B3	5 hours	£137.80
C1	3 hours	£109.11
C3	2 hours	£96.06
SCS-D	2 hours	<u>£137.18</u>
		£480.15

Risk Registers Papers (5 papers, redaction required)

Under FOISA, please provide the Programme Risks Register Artefacts papers submitted to the Social Security Programme Board since September 2017.

B3	5 hours	£137.80
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C1	3 hours	£109.11
C3	2 hours	£96.06
SCS-D	2 hours	<u>£137.18</u>
		£480.15

Risk Register (Headings/Sections) (5 papers, redaction required)

Under FOISA, please provide the table of contents/subject headers/section headings included in the Programme Risks Register Artefacts papers submitted to the Social Security Programme Board since September 2017.

B3	6 hours	£165.36
C1	3 hours	£109.11
C3	2 hours	£96.06
SCS-D	2 hours	<u>£137.18</u>
		£507.71

Programme Board List of Papers – rejected/deferred and dates returned to board. (will involve 9 sets of Minutes, 10 sets of Agendas, redaction required?)

Please provide a list of papers that the Social Security Programme Board has rejected, or remitted back to officers for improvement, or deferred for decision, since September 2017.

Please provide the dates these have been rejected or remitted or deferred, and the dates they returned to the programme board.

B3	7 hours	£192.92
C1	4 hours	£145.48
C3	3 hours	£144.09
SCS-D	3 hours	<u>£205.77</u>
		£688.26

Programme Plans (5 documents, redaction required)

Under FOISA, please provide the Programme Plans paper submitted to the Social Security Programme Board since September 2017.

While I expect some of this paper to be redacted, the release should include at the very minimum the headers and section titles of the document, and information already released into the public domain.

B3	7 hours	£192.92
B3	3 hours	£82.68
C1	3 hours	£109.11
C3	2 hours	£96.06
SCS-D	2 hours	<u>£137.18</u>
		£617.95

Terms of Reference (1 document, redaction required)

Under FOISA, please provide the Various Terms of References for Boards paper submitted to the Social Security Programme Board since September 2017.

While I expect some of this paper to be redacted, the repose should include at the very minimum the headers and section titles of the document, and information already released into the public domain.

<i>B3</i>	<i>2 hours</i>	<i>£55.12</i>
<i>C1</i>	<i>2 hours</i>	<i>£72.74</i>
<i>C3</i>	<i>2 hours</i>	<i>£96.06</i>
<i>SCS-D</i>	<i>2 hours</i>	<i><u>£137.18</u></i>
		<i>£361.10</i>

Target Operating Model (1 document – exceptionally large, many slides, redaction required)

Under FOISA, please provide the Programme Blueprint/ Agency Target Operating Model paper submitted to the Social Security Programme Board since September 2017.

While I expect some of this paper to be redacted, the repose should include at the very minimum the headers and section titles of the document, and information already released into the public domain.

<i>B3</i>	<i>5 hours</i>	<i>£137.80</i>
<i>C1</i>	<i>5 hours</i>	<i>£181.85</i>
<i>C1</i>	<i>3 hours</i>	<i>£109.11</i>
<i>C3</i>	<i>2 hours</i>	<i>£96.06</i>
<i>SCS-D</i>	<i>2 hours</i>	<i><u>£137.18</u></i>
		<i>£662.00</i>

Programme Board dates - previous/scheduled (1 document)

Under FOISA please provide a list of dates the Social Security Programme Board (a) has met since September 2017 and (b) is scheduled to meet up to 31 March 2019.

<i>B3</i>	<i>2 hours</i>	<i>£55.12</i>
<i>C1</i>	<i>2 hours</i>	<i>£72.74</i>
<i>C3</i>	<i>2 hours</i>	<i>£96.06</i>
<i>SCS-D</i>	<i>2 hours</i>	<i><u>£137.18</u></i>
		<i>£361.10</i>

Programme Finance Updates (5 documents, redaction required)

Under FOISA, please provide the Programme Finance Updates papers submitted to the Social Security Programme Board since September 2017.

In addition I would be grateful if you could provide the agreed proforma/structure for how these papers should be drafted, details of how the papers should be drafted and progressed before being submitted to to the programme board, who signs them off for submission, and the the process the Board takes to agree or reject a paper.

While I expect some of this paper to be redacted, the repose should include at the very minimum the headers and section titles of the document, and information already released into the public domain.

<i>B3</i>	<i>4 hours</i>	<i>£110.24</i>
<i>C1</i>	<i>4 hours</i>	<i>£145.48</i>
<i>C2</i>	<i>3 hours</i>	<i>£131.94</i>

C3	2 hours	£96.06
SCS-D	2 hours	<u>£137.18</u>
		£620.90

Overall cost for FOIs – 153

hours - £6,164.83

On this basis and volume received we may need to consider the requests vexatious, as ‘where a large number of requests are submitted at once, they can be considered collectively when assessing the burden they impose on the public authority’ (Section 14 (1) 34, *Scottish Information Commissioner FOISA Guidance*, 2016).

Happy to discuss further.

Thanks,

[Redacted]

[Redacted]

**Programme Board Secretariat
Programme Management Office**

Scottish Government

Social Security Directorate: Programme Management and Delivery Division

2D South

Victoria Quay

Edinburgh

EH6 6QQ

Tel: [Redacted]

E mail: [Redacted]



Keep up to date with the development of our new social security powers:

W: beta.gov.scot/policies/social-security/



[@ScotGovSocSec](https://twitter.com/ScotGovSocSec)