

[Redacted]

From: [Redacted]
Sent: 20 August 2018 09:26
To: [Redacted]
Subject: FW: Help.....

From: [Redacted]
Sent: 14 December 2017 19:36
To: Freedom of Information <foi@gov.scot>
Cc: [Redacted]
Subject: RE: Help.....

[Redacted]

[Redacted - Not in scope]

[Redacted] kindly called me back last week since [Redacted] wasn't around, and following this and a further discussion with Spads we agreed to proceed on the basis of exceeding the upper cost limit. Your own point on circumventing the costs issue is also, I think, fairly spot on.

[Redacted - Not in scope]

[Redacted - Not in scope]

Best,
[Redacted]

From: [Redacted] **On Behalf Of** Freedom of Information
Sent: 11 December 2017 10:04
To: [Redacted]
Cc: Freedom of Information; [Redacted]
Subject: RE: Help.....

Hi [Redacted]

I am aware you have been trying to chat to someone in the FOI unit in relation to this case, I will be around for much of the day if you think a chat will be helpful.

In relation to requests 2-5, you may find it helpful to refer to the guidance available in relation to where it would be appropriate to consider where it would exceed the upper cost limit to respond to these requests. [Cost Limit Guidance](#). You will be better placed than me to consider the work which would be required to locate, retrieve and provide the information in relation to all correspondence within these requests given that [Redacted] has not specified a specific topic. I think in this case as the requests are for the same information from a number of areas we would be able to consider whether [Redacted] has submitted these as separate requests in order to try to circumvent the upper cost limit (by not asking for all SG correspondence in the one request).

As I said, you will have a better understanding of the volume of information and level of searching required to provide a response, and hopefully the guidance will provide a steer on whether refusing to comply with the requests on the basis that the upper cost limit would apply. You may wish to note that should the requester go on to appeal to the Commissioner we would be required to provide an estimate of the cost calculation.

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 - Not in scope]

[Redacted - Not in scope]

[Redacted]

From: [Redacted]
Sent: 18 December 2017 11:26
To: [Redacted]
Subject: RE: Query regarding Fol/17/02873

[Redacted - Not in scope]

First thoughts. In the second paragraph of the response, it is suggested that due to the request dating back to May 2016, then this supports the cost exemption being applied here. That doesn't seem that long ago? Although I should add a massive caveat that I am not aware of the filing system being employed in this department and the number of documents that date range would generate. Certainly from a lay persons outside perspective that doesn't seem so daunting a prospect. I find if you don't have a recognisably large date range to rely upon then perhaps an indication of the amount of documents that are being considered? For example, there are 700 documents to peruse, each document takes 5 minutes and so on. A good argument for exempting on cost grounds employs a combination of the two.

You're right they are providing information in the form of links and it seems like that covers a fair part of the request. It also appears they have identified the documents they are not providing:

It would include the consultations which formed part of Phase 1 of the Review, which reported in October 2016, and the nine projects which formed Phase 2 of the Review, which ran from November 2016 to June 2017 when the Phase 2 Report and associated feeder reports were published. It would further include a broad range of correspondence since June 2017.

Again (apply previous caveat), if they are able to list in detail the documents that are not being provided, then it seems they may be more easily accessible...? The commissioner is supportive of public bodies that may be burdened with sifting through reams of unstructured data. However in this instance it feels like if they have gone as far as identifying the documents required for disclosure then can it still be a cost issue? Is it perhaps the '***broad range of correspondence since June 2017***' that is the only sticking point here?

The request itself is fairly narrow in time and scope. In that it asks for correspondence relating to the formation and for the business case itself. I would be tempted to lose the paragraph at the top of page 2, that leads with seeking the requester to further narrow it.

[Redacted - Not in scope]

[Redacted - Not in scope]

Best wishes
[Redacted]

From: [Redacted] **On Behalf Of** Freedom of Information
Sent: 18 December 2017 09:26
To: [Redacted]
Subject: FW: Query regarding FoI/17/02873

Hi [Redacted]

[Redacted - Not in scope]

Can you have a look at the FOI request attached. They want to apply section 12 but they have provided a number of links in the letter to information that I think covers the information requested in the FOI therefor would section 12 apply?

What do you think?

[Redacted]

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

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

From: [Redacted]
Sent: 15 December 2017 11:42
To: Freedom of Information
Subject: Query regarding FoI/17/02873

<< File: FoI 17-02873 Response.doc >>

Hi

I'm hoping you can provide a quick sense check regarding an FoI I'm currently dealing with - FoI/17/02873.

It's one of three I'm dealing with from the same person concerning the creation of the Enterprise and Skills Strategic Board.

For the other two (FoI/17/02872 and FoI/17/02929) we will be releasing some information and withholding some, but for this one, I'm looking to check that I'm going about the right way of refusing it on cost grounds.

The request is:

- Correspondence on the formation and the business case for the Enterprise and Skills Strategic Board.

I think this should be refused on cost grounds as it would date back to when the Enterprise and Skills Review was first announced in May 2016, it would include both phases of the Review, all

nine projects it involved and a great deal since. Using the template on the Fol portal I've done the following calculation:

A. Estimated staff time to locate and retrieve information

2 days B2 time locating relevant folders dating back to November 2016.
3 days B1 time retrieving relevant files from folders.
2 days B1 time collating information

B. Estimated cost of locating and retrieving information

B2	15 hours @ £15.00 / hour	£225.00
B1	37.5 hours @ £15.00 / hour	<u>£562.50</u>
		£787.50

C. Estimated cost of providing information

Zero

D. Total estimated costs (B + C) £787.50

In the attached draft response I've laid out the scope of the request in a bit more detail, and also advised how it may be narrowed. Again, I've used templates from the portal, but would welcome any advice as to whether or not I'm on the right lines.

I'm going through the approvals process for all three Fols at the moment, and hoping to issue responses by next Friday.

Thanks in advance

[Redacted]

<< OLE Object: Picture (Device Independent Bitmap) >>

[Redacted]

[Redacted]

Enterprise and Skills Programme Office

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