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From: [Redacted]  
Sent: 03 July 2018 13:59  
To: [Redacted]  
Subject: upper cost limit

Link to SharePoint guidance as discussed -  
<http://sgsharepoint/sites/freedomofinformation/FOIEIR%20Wiki/Applying%20the%20upper%20cost%20limit.aspx>

[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>  
[redacted]

**[Redacted]**

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**From:** [Redacted]  
**Sent:** 12 July 2018 11:07  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: FOI - ECJ - REVIEW - Internal review of Freedom of Information request - Payments to Scotland Police Federation & others - [Redacted] : NEW FOI REQUEST

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	[Redacted]	
		Read: 12/07/2018 11:08

Hi [Redacted]

Under FOI we would require you to release all of the information and not just an example of the information we hold. Please see [step 14](#) of the SharePoint guidance on applying the upper cost limit.

[Redacted - not in scope]

Kind regards  
[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>  
[redacted]

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[Redacted - not in scope]

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From: [Redacted]  
Sent: 18 July 2018 09:35  
To: Freedom of Information  
Cc: [Redacted]  
Subject: Fol/18/01927 - Advice Please

Good morning.

I would appreciate your advice on an Fol request we have received from one of our stakeholders.

The scope of the request would suggest that it would breach the upper cost limit. My query is do we have to issue the formal response, refusing the request on cost grounds, which would also alert them to the fact that if they narrow down their request we may be able to provide the information they are looking for. Or could we in the first instance drop them an e-mail saying the

request is likely to exceed the upper cost limit and ask them to narrow down what they are looking for.

Thanks  
[Redacted]

[Redacted] | Race Equality Policy Officer | The Equality Unit | Scottish Government | 3H North, Victoria Quay, Edinburgh EH6 6QQ | tel: [Redacted] | e-mail: [Redacted]

**[Redacted]**

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**From:** [Redacted]  
**Sent:** 20 July 2018 13:56  
**To:** [Redacted]  
**Cc:** [Redacted] Freedom of Information  
**Subject:** RE: FOI response

[Redacted]

[Redacted - not in scope]

If we are asking her to reduce the scope, we do need to explain why, so we need to reinstate something about the cost limit.

I am suggesting you might wish to give her examples of where information might be held as I assume she is unlikely to understand SG structure.

Finally, the sentence on amending the scope or withdrawing the request sounds as if we are saying they are her 2 options. She could, of course, reply saying she wants the request to stand in its present form, in which case, we would still need to reply - even if that means the reply is essentially, it breaches the cost limit.

[Redacted]

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**From:** [Redacted]  
**Sent:** 20 July 2018 13:17  
**To:** [Redacted]  
**Cc:** [Redacted] Freedom of Information  
**Subject:** FOI response

Hi, [Redacted] .

Thanks for your advice. Is the below message ok to send?

[Redacted]

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Hello, [Redacted]

I'm writing in relation to your Freedom of Information request for communication between the Race Equality Advisor and internal and external stakeholders. This post has been held by Kaliani Lyle since November 2016 to date. Because of the nature of this role we would need you to change the focus of your request in order to proceed.

You've requested the following information:

- All communication between the Race Equality Advisor and the Scottish Government during her time in post, including notes/minutes of meetings
- All communication between the Race Equality Advisor and external organisations and individuals during her time in post, including notes/minutes of meetings

Because the role of Race Equality Advisor is independent to Scottish Government (SG) neither they, nor their secretariat, are subject to FOISA and SG does not hold information on communication between them and other parties. However, we can provide on behalf of SG:

- communication between SG and Ms Lyle (this may not be exactly the same as the Advisor holds).

- official notes and minutes of meetings

However, because the information requested could be held across many parts of SG, we have estimated that it would be likely breach the limit of costing over £600 to provide a response. This would then exempt us from providing the information.

With this in mind, if you'd like to request information in respect of what SG holds you may wish to consider narrowing the focus of your request? That would allow us to proceed with collating the information for you. Some information that might help narrow the scope would be:

- Is there a particular date range?
- Is there a specific subject you're looking for communication on (eg in relationship to the development of Race Equality Action Plan)
- Are there any particular departments in SG that you're interested in knowing if there was communication with? **Might be helpful to suggest the most likely parts that would hold information**

You can also contact Ms Lyle to request any information she holds, but she is not obliged to provide it. You can contact Ms Lyle via her secretariat on: [raceadvisersecretariat@gov.scot](mailto:raceadvisersecretariat@gov.scot)

Please let me know if you're happy to amend the scope of the FOI ~~or if you would prefer to withdraw it~~. If you have any questions please don't hesitate to contact me.

**[Redacted]**

[Redacted]

Scottish Government | The Equality Unit | 3H North, Victoria Quay, Edinburgh EH6 6QQ  
tel: [Redacted] | email: [\[Redacted\]](mailto:[Redacted]) | twitter: @scotgovequality



I completed the [#stonewallsurvey](#) because being able to be myself at work *matters*.  
Click [here](#) to find out more and to complete the survey.

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**From:** [Redacted]  
**Sent:** 20 Jul 2018 11:38  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FOI/18/01910 & FOI/18/01910

Hi [Redacted]

Thanks for this. I agree with your instincts (at least I think they're your instincts..!) that the below request is still over the cost limit. Although the requester has removed 'senior civil servants' and split it into 2 separate requests, it still requires an SG wide trawl which I think unescapably brings section 12 into view. I note in your response your helpful steer to the requester to narrow it to a policy area and specifically the FOI unit. That wasn't followed and all I'm in a position to do is respond in a fashion much like yours and repeat that advice again?

[Redacted - not in scope]

[Redacted - not in scope]

Thanks  
[Redacted]

[Redacted] | Lead caseworker and improvement, Freedom of information unit | Scottish Government | 2W St Andrew's House, Regent Road, Edinburgh EH1 3DG | 📞 [Redacted] (Ext) [Redacted]

You can find the most recent information on FOI on the [FOI SharePoint site](#).

[Redacted]

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**From:** [Redacted]  
**Sent:** 26 July 2018 12:55  
**To:** [Redacted]  
**Subject:** RE: FOI - CEA - PRESS - public interest test - [Redacted]  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I also doubt we could answer the second part within the cost limit – but think we should consider whether we actually hold it as it may require skill/complex judgement to extract it, in terms of guidance from commissioner:

*Public authorities are not required to create information in order to answer a request. There's a distinction between creating new information, and compiling information. Where a request can be answered by compiling information from readily-available resources held by the public authority, this is not the same as creating new information. However, if collation of the information would require skill and complex judgement, the information is not held.*

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[Redacted - not in scope]



**Cc:** Corporate Communications; [Redacted]  
**Subject:** FOI/18/01909 & FOI/18/01910

Good afternoon [Redacted]

I wonder if you can assist? We're in the position of requiring to ask Mr McEnaney to narrow the scope of his request. By way of background Mr McEnaney submitted an FOI on 20 June and we refused it on cost grounds. Request and our response below:

<< Message: FOI - CEA - internal communication - James McEnaney >> << File: Letter to James McEnaney - FOI response.pdf >>

In our response we refused the request on cost grounds and we provided the example of the breadth of the trawl of information required by citing a senior civil servant working across government. We also advised Mr McEnaney to narrow the information request down to the FOI unit.

He has responded by splitting the requests into 2 separate FOI's and omitting senior civil servants. It still requires an SG wide trawl.

<< Message: FW: FOI - CEA - PRESS - CommonSpace and The Ferret - James McEnaney >> << Message: FW: FOI - CEA - PRESS - SIC intervention - James McEnaney >>

Would you mind speaking to Mr McEnaney and asking him to narrow his request to a Directorate, say the Directorate for Strategy and Constitution. It would also be worth pointing out that (as I think, he knows) SPADs and MPOs do not normally retain copies of messages, but we expect business areas to retain them, hence the fact we would still need to do a trawl.

If it's easier then we can sit in on the call or we can draft a form a words?

Happy to discuss

[Redacted]

[Redacted] Freedom of information unit | Scottish Government |  
2W St Andrew's House, Regent Road, Edinburgh EH1 3DG | 📞 [Redacted] (Ext) [Redacted]

You can find the most recent information on FOI on the [FOI SharePoint site](#).

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[Redacted - not in scope]

**From:** [Redacted]  
**Sent:** 31 July 2018 08:30  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: re FOI/18/01909 and FOI/18/01910

Morning[Redacted]

As per [Redacted] email, we have had some further discussion in the team about how best to respond to James. I think we could have explained more clearly why the cost limit could apply when he considers his request to be very specific and therefore it might be helpful to provide some further explanation. I have drafted the attached which [Redacted] is content with, and would welcome your views on this approach.

Thanks  
[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.