

[Redacted]

Subject: RE: FOI - application of upper cost limit

From:[Redacted]

Sent: 27 March 2018 17:25

To: [Redacted]

Cc: Freedom of Information <foi@gov.scot>

Subject: FOI - application of upper cost limit

[Redacted],

Thanks for your call earlier this afternoon seeking some input on how to apply the upper cost limit to an FOI request that you're dealing with. You also mentioned that you thought the request was very broad and that clarification might be needed from the requester, as you had (if I have noted it correctly) already located more than 500 documents relating to the request.

The FOI Unit publishes detailed guidance on how to handle FOI requests and a detailed checklist for handling them is available [here](#). I would draw your attention in particular to points 10 (clarification of requests) and 14 (applying the upper cost limit), as detailed guidance is available on both of these topics.

From what you have told me, it does not seem that you need the requester to clarify the request as you have been able to find the information that is sought. Instead, the difficulty is the breadth of what you have found that is the issue. This means that you should be estimating whether the cost of complying with the request would exceed the upper cost limit. The guidance provides a worked example that may be helpful.

However, you may also wish to consider whether the request would require a search across the whole of the Scottish Government: in those cases there is no need to make an estimate and you can use the standard template to respond.

[Redacted - out of scope]

Thanks,

[Redacted]

[Redacted] Freedom of Information Unit

Scottish Government | 2W | St Andrew's House | Regent Road | Edinburgh | EH1 3DG

T: [Redacted] | M: [Redacted]

[Redacted]

From: [Redacted]
Sent: 20 August 2018 16:08
To: [Redacted]
Subject: FW: FOI/18/00863 - correspondence with royal household

From: [Redacted]
Sent: 28 March 2018 12:27
To: [Redacted]
Cc: [Redacted]
Subject: RE: FOI/18/00863 - correspondence with royal household

Belatedly agreeing with that approach. I think the most we can say in a cost limit scenario when we anticipate redaction would be required is that we would have to consider the information carefully including whether exemptions under FOISA would be applicable, and our competing obligations under DPA.

From: [Redacted]
Sent: 28 March 2018 11:43
To: [Redacted]
Cc: [Redacted]
Subject: RE: FOI/18/00863 - correspondence with royal household

Thanks [Redacted]

I don't think we need to give him a detailed copy of our cost estimate at this stage, and I would be reluctant to say that the majority of documents would require redaction as he could take this out of context and claim we have made that decision prior to fully considering the information.

I am happy that we say we would need to include the time taken to redact as well as the time taken to locate so content for you to go to Ian, unless anyone else has any further comments.

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.

From: [Redacted]
Sent: 28 March 2018 11:18
To: [Redacted]

Cc: [Redacted]

Subject: RE: FOI/18/00863 - correspondence with royal household

[Redacted]

I've had a look at the changes and comments and they make perfect sense. With regards to your comments about redaction do you want me to think about giving additional information about the costs involved or is your explanation enough?

If nothing further is needed are you happy for me to accept the tracked changes and put by Ian for comment?

[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: 28 March 2018 10:58

To: [Redacted]

Cc: [Redacted]

Subject: RE: FOI/18/00863 - correspondence with royal household

Hi [Redacted]

I have tracked some suggested changes and added some comments for you to consider. I think it is important that we explain that the redaction in this case would add to the burden (given the response we just issued for 150 cases where he is just looking for numbers. I also think our advice and assistance should just suggest to narrow by time period as the request is quite specific as it stands.

<< File: foi 18 00863 - correspondence with royal household - draft.obr >>

Happy to discuss.

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.

[Redacted]

From: [Redacted]
Sent: 20 August 2018 10:32
To: [Redacted]
Subject: FW: FOI Requests seeking correspondence involving all Ministers

From: [Redacted] **On Behalf Of** Freedom of Information
Sent: 29 March 2018 16:33
To: [Redacted]
Subject: FOI Requests seeking correspondence involving all Ministers

Hi everyone,

For information – I've been advising on a couple of requests from [Redacted] whereby he's been asking for correspondence between Ministers and others. These have breached the cost limit because: no subject matter is given, officials file information on behalf of Ministers, and also because MPOs only retain information for three months (and thus a SG-wide trawl would be required in these cases). I've checked with [Redacted] from PO and he has confirmed that he's content with the line in the draft response below. I thought it would be useful for you to see this, in case you have similar requests you're advising on.

Cheers,
[Redacted]

Thank you for your request dated 21 March 2018 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for:

1) Details of any correspondence (emails, typed or handwritten notes, letters, phone calls, minutes of meetings or otherwise) between CS board members and SG ministers or senior civil servants on the topic of Scottish Youth Theatre in the last 12 months.

Response to your request

While our aim is to provide information whenever possible, in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit of £600. The reason for this is that to locate and retrieve that information we would need to conduct a search of all of the records of the Scottish Government. It may help if I explain that Ministerial private offices retain emails for a 3 month period after which they are deleted in line with SG records management policy. It is the responsibility of individual policy areas to file emails and so without a specific policy area or named Minister(s), we would be required to conduct a government-wide

trawl. Under section 12 of FOISA public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12.

You may, however, wish to consider reducing the scope of your request in order that the costs can be brought below £600. For example, you could specify the subject matter of the material you are interested in relating to Scottish Youth Theatre, or restrict your request to a specific business area of the Scottish Government or specific Minister, as this would allow us to limit the searches that would require to be conducted. You may also find it helpful to look at the Scottish Information Commissioner's 'Tips for requesting information under FOI and the EIRs' on her website at: <http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>.

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 Ken Thomson Director General Strategy and Operations, St Andrews House, Regent Road, Edinburgh, EH1 3DG, dgso@gov.scot. 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 appeal rights is available on the Commissioner's website at: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely

[Redacted]
Senior Adviser, Performing Arts

From: [Redacted] **On Behalf Of** Freedom of Information
Sent: 28 March 2018 15:51
To: [Redacted]
Subject: RE: [Redacted]

Hi [Redacted],

Yes, the cost limit would apply in this case because of the way in which Ministerial private offices retain items only for three months (and therefore won't have any relevant information for most of the time period in question) and also because officials have responsibility for filing most information to do with Ministers. I did a quick search of objective which identified nearly 4000 items; MACCS and outlook accounts would also need to be checked. The topic of 'Scottish Youth Theatre' doesn't really narrow the terms of the request; what would narrow the scope would be for [Redacted] to specify the particular SYT subject matter and/or identify the individual Ministers/senior civil servants he's interested in, so you could give him the link to the 'About Us' section on the SG website: <https://beta.gov.scot/about/> to help him do this.

[Redacted - out of scope]

Kind regards,
[Redacted]

From: [Redacted]
Sent: 27 March 2018 14:36
To: Freedom of Information
Subject: [Redacted]

Hi – may I just check if its ok for me to apply the £600 rule to this as they ask for any SG minister and civil servant?

With thanks

[Redacted]

From: [Information Tracker@scotland.gsi.gov.uk](mailto:Information_Tracker@scotland.gsi.gov.uk)
[\[mailto:Information_Tracker@scotland.gsi.gov.uk\]](mailto:Information_Tracker@scotland.gsi.gov.uk)
Sent: 23 March 2018 09:22
To: [Redacted]
Cc: [Redacted]
Subject: Information Request Tracker - new case registered

INFORMATION REQUEST TRACKER
