

[Redacted]

From: [Redacted]
Sent: 20 August 2018 09:24
To: [Redacted]
Subject: FW: FOI - Query regarding the need to undertake a pan SG trawl

From: [Redacted]
Sent: 28 November 2017 12:42
To: [Redacted]
Cc: [Redacted]
Subject: RE: FOI - Query regarding the need to undertake a pan SG trawl

[Redacted]

I agree that this request seems to breach the cost limit but I don't think you could argue that it would be necessary to carry out a search across the whole of the SG, as there will be a limited number of business areas which would be likely to have provided briefings on creating new taxes or have explored new tax options. It would be better to estimate how many teams would need to search for relevant information and how much time and cost that would require, and then use this template: [FOISA Response when complying with request will exceed upper cost limit](#), rather than the one which refers to a SG-wide trawl.

Regards

[Redacted]

FOI Unit

Ext [Redacted]

See our [FOI SharePoint site](#) for detailed FOI guidance.

Please note I am out of the office on Fridays.

From: [Redacted]
Sent: 28 November 2017 12:31
To: Freedom of Information
Cc: [Redacted]
Subject: FOI - Query regarding the need to undertake a pan SG trawl

Dear colleague

We are dealing with an FOI request for “*Briefings from SG civil servants to Ministers on creating new taxes from March 23 2016 and what new tax options have been explored by the SG from this date.*”

Whilst this Division leads on currently devolved taxes and those which are set out in Scotland Act, we do not act as a point of co-ordination across the SG for all tax related proposals which may be the subject of advice to Ministers. As such, whilst we’re aware of various proposals which have been considered in other parts of the Scottish Government, we would need to undertake a pan SG trawl to be certain of identifying all relevant material (noting as context that we e.g. recently heard at a very late stage about a well-developed proposal).

With that in mind, I was looking for advice as to whether this request could be considered relevant to the FOI guidance below about the cost limit.

*“Under **FOISA**, the cost limit may apply where, for example, a request is framed very broadly and would capture a great deal of information or require us to carry out extensive searching, eg a search across the whole of the Scottish Government. If when a request is received you think it might be costly to comply with it, you should make an estimate of the scale of work involved. An example is given below of how to calculate the costs of responding to a request. **However, there is no need to make an estimate in cases which would require a search across the whole of the Scottish Government**, as the cost has already been established in previous cases, eg see the Scottish Information Commissioner’s [Decision 162/2012](#) – in such cases you can just use the standard template for responding to a request which requires a SG-wide trawl.”*

Thanks in advance for your consideration.

Regards, [Redacted]

[Redacted]

Fiscal Responsibility Division | Financial Strategy Directorate | Scottish Government

Telephone: [Redacted] | Mobile [Redacted]

Area 3D-North, Victoria Quay, Edinburgh, EH6 6QQ

[Redacted]

From: [Redacted]
Sent: 20 August 2018 09:24
To: [Redacted]
Subject: FW: FOI - 17 02807 - Creative Scotland and Freight Books - [Redacted]
Attachments: Creative Scotland 2017 - FOI - Freight Books - asking for further information - [Redacted] - November 2017#2.docx

From: [Redacted]
Sent: 29 November 2017 17:49
To: [Redacted]
Cc: [Redacted]
Subject: RE: FOI - 17 02807 - Creative Scotland and Freight Books - [Redacted]

Hi [Redacted]

I've tracked some changes to your draft, along with explanatory comments, mainly to:

- Bring your response into line with the [FOISA Response when complying will require SG-wide trawl and exceed the upper cost limit](#) template and the [FOISA - main response template](#). It's important to stick to the wording and format of the standard templates because they save you time and ensure that your response complies fully with our obligations under FOISA. Also, the format was agreed by ET to make responses as easy as possible for requesters to understand, while still meeting statutory requirements. Also they want responses to be consistent across the SG;
- Separate the response into two parts, ie applying the cost limit to the first part of the request about SG contact with Freight Books, and in relation to the second part giving a notice under section 17(1) of FOISA that the SG has had no correspondence with Creative Scotland about the £128,000 award, etc.

You should not release any of the information which you have found because when the cost limit applies to a request (or part of a request) then we're not required to release any information. Also, by releasing some information you would in effect be using up some of the £600 cost limit and that information may not be what the requester is most interested in.

Happy to discuss.

Regards

[Redacted]

FOI Unit
Ext [Redacted]

See our [FOI SharePoint site](#) for detailed FOI guidance.

Please note I am out of the office on Fridays.

Buidheann-stiùiridh Cultair, Turasachd agus Mòr-
thachartasan
Culture, Tourism and Major Events Directorate
Roinn a' Chultair agus Arainneachd Eachdraidheil
Culture and Historic Environment Division



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: [Redacted]
E: [Redacted]

[Redacted]
[Mailto: [Redacted]]

27 November 2017

Dear [Redacted],

Thank you for your request dated 15 November 2017, under the Freedom of Information (Scotland) Act 2002.

Your request

~~for information relating to Freight Books.~~ You asked whether the Scottish Government had any contact with Freight Books prior to its liquidation, and if so, whether the Scottish Government had any correspondence with Creative Scotland concerning the sum of £120,800 that Creative Scotland has awarded to both Freight Books and Freight Graphics for publishing since July 2010.

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 about contact between the Scottish Government and Freight Books 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 we file our information according to the subject matter, not by reference to the names of individuals/organisations with whom we have corresponded. This is due to your request asking for any contact across the whole of Scottish Government, without a timescale.

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(s) of the contacts you are interested in or restrict your request to a specific business area of the Scottish Government, and also specify a timescale. This would allow us to limit the searches that would require to be conducted. You may find it helpful to check through these Directorates on the Scottish Government website <https://beta.gov.scot/about/how-government-is-run/directorates/>. You may also find it helpful to look at the Scottish

Cidhe Bhictòria, Dùn Èideann EH6 6QQ
Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot



Commented [u1]: We should always quote the original request exactly, unless it is too long and complicated. So you'll need to check this against the original request, which hasn't been saved in the eRDM casefile.

Commented [u2]: We need to be clear about which part of the request is being refused on cost grounds.

Commented [u3]: It's best to stick to the wording of the template because this gives a tried and tested explanation of why the cost limit would be exceeded.

Information Commissioner's 'Tips for requesting information under FOI and the EIRs' on her website at:

<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx> ~~In seeing your request I have checked within the Culture and Historic Environment Division, Employability Division, Business Briefing Unit, Service Delivery and Performance Management Unit, alongside checking in our files and have found no correspondence registered with Freight Books or Freight Graphics.~~

While our aim is to provide information whenever possible, in this instance the Scottish Government does not have the information you have requested about ~~Alongside this, there is no correspondence with Creative Scotland about either Freight Books, or Freight Graphics from any of these teams concerning the sum of £120,800 awarded to awarded to both Freight Books and Freight Graphics for publishing since July 2010. This is because no such correspondence took place.~~

This is a formal notice under section 17(1) of FOISA that the Scottish Government does not have this part of the information you have requested.

~~If however you would wish us to check across other Directorates within Scottish Government, we would be able to manage this without exceeding the upper cost limit if you were able to identify other business areas that may be of interest, specifying a time scale. You may find it helpful to check through these Directorates on the Scottish Government website <https://beta.gov.scot/about/how-government-is-run/directorates/>~~

~~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 unhappy with this response you may ask us to carry out a review by writing to Jonathan Pryce, Director for Culture, Tourism and Major Events (Jonathan.Pryce@gov.scot). Your request should explain why you wish a review to be carried out and should be made to us within 40 working days of receipt of this letter and we will reply within 20 working days.

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

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Commented [u4]: I've moved this up from later on in the letter, to keep all the cost limit stuff together. Also, I've followed more closely the wording of the template.

Commented [u5]: It's best not to go into detail about which teams have been asked to search for info, as that is a matter for us, and is unlikely to be of any help to the requester.

Commented [u6]: As you've established that there was no correspondence with Creative Scotland, you need to answer this part of the request separately by giving a notice under s.17(1) of FOISA.