

[Redacted]

From: [Redacted]
Sent: 20 August 2018 09:19
To: [Redacted]
Subject: FW: FOI - ODO - Social Media Marketing - [Redacted] - Fol/17/02164

-----Original Message-----

From: Freedom of Information
Sent: 12 October 2017 12:06
To: [Redacted]
Cc: [Redacted]
Subject: RE: FOI - ODO - Social Media Marketing - [Redacted] - Fol/17/02164

Hi [Redacted]

To quote the FOI Fees Regulations, the cost limit covers "costs, whether direct or indirect, which a Scottish public authority reasonably estimates [...] it is likely to incur in locating, retrieving and providing such information". If that information is being held on our behalf by someone else, we can't consider the cost to *them*, we can only consider the cost they would then pass on to *us*. For example, if requested information was held on our behalf by Iron Mountain, the cost of paying Iron Mountain to retrieve that information would be included when considering the cost of compliance.

As such, we need to be clear if these agencies are holding the information on our behalf. If they are, they have to provide it to us unless we can show that the cost *to us* of them doing so would exceed the cost limit. The costs to the agencies themselves would have no bearing unless the SG would then have to reimburse the agency (as in the Iron Mountain example above).

So, if a) the agencies hold information on our behalf that's been requested and b) they wouldn't pass on the costs of locating, retrieving and providing that information onto the SG, I can't see how we could include those costs when estimating the cost limit.

With regards to the third question - yes, if you think this is likely to exceed the cost limit, you should work out an estimate - particularly as this can then help in advising the requester how to reduce the scope of the request to bring it in under the cost limit.

I think 2 and 3 would be considered separate requests for the purposes of considering costs.

Hope this helps,
[Redacted]

[Redacted]

x[Redacted]

Freedom of Information Policy & Casework 2W, St. Andrew's House See our FOI SharePoint site at: <http://sgsharepoint/sites/freedomofinformation>

-----Original Message-----

From: [Redacted]

Sent: 11 October 2017 17:01

To: Freedom of Information

Cc: [Redacted]

Subject: RE: FOI - ODO - Social Media Marketing - [Redacted] - Fol/17/02164

Hi FOI team - Another element that I'd like to add to the enquiry below. Would we be mandated to use the external agency? Even if we felt the cost or time to the agency would be unreasonable?

-----Original Message-----

From: [Redacted]

Sent: 10 October 2017 13:09

To: Freedom of Information

Cc: [Redacted]

Subject: FW: FOI - ODO - Social Media Marketing - [Redacted]- Fol/17/02164

FOI Team - Please see enquiry regarding FOI below. The response deadline is 23 October 2017.

I just spoke to [Redacted] who advised me to put something into the foi box. If an agency holds information on our behalf, but cannot charge us for the work. Can we reject the FOI if the work incurred by an agency on our behalf breaches the upper cost limit £600.00, whether or not they can charge us for it? Theoretically they are doing it as an extension of the Scottish Government. This point is in relation to question 2.

I've been advised that question 3 may also breach the upper cost limit due to the sweeping nature of the request and with no time parameters. Is it simply a case of us estimating how much work this will be and rejecting it on cost grounds?

Thirdly can you confirm that the upper cost limit should be applied to questions 2 and 3 separately and not question 2 and 3 combined?

The questions are as follows:

2. A copy of the digital file or a link to each social media asset used in paid campaigns by the Scottish Government, along with details of each platform it was published on, and the specific audience that the Scottish Government opted to target the advert at. This information can easily be obtained from the platforms themselves through, for example, the Facebook "Business Manager" page - or the equivalent for the other platforms.

3. A copy of any meeting minutes, reports, emails, presentations or other internal documents held that discusses the strategy, performance and evaluation of paid, social media marketing undertaken by the department.

Can you please advise. Apologies for the delay in getting this across there has been several discussions internally.

Regards

[Redacted]

-----Original Message-----

From: [Redacted]

Sent: 10 October 2017 11:08

To: [Redacted]

Cc: [Redacted]
Subject: RE: FOI - ODO - Social Media Marketing - [Redacted]

Hi

In the interests of trying to 'put the FOI to bed' (I've been wanting to do this for two weeks by the way):

I spoke to [Redacted] at Carat yesterday. [Redacted] says that Carat are unable to charge us for the provision of FOI information.

As you know, we are planning:

To give a full answer point 1 about spend (I have this info), To reject point 2 - the provision of hundreds of files which would take our agencies days to pull together.

To reject point 3, I would hope on the grounds of confidentiality, scale and the request being unreasonable.

So I need wording which will help me cover off points 2 and 3. I can't do this on cost based on [Redacted] feedback.

Can you help?

[Redacted]

[Redacted]
Scottish Government
St Andrew's House
EH1 3DG
[Redacted]

-----Original Message-----

From: [Redacted]
Sent: 09 October 2017 10:09
To: [Redacted]
Cc: [Redacted]
Subject: RE: FOI - ODO - Social Media Marketing - [Redacted]

[Redacted]

I spoke to [Redacted] regarding potential costs to agencies. [Redacted] advised if it is part of their standard MI remit we wouldn't expect to be charged, but if it was to fall out of their remit they could charge us. I think the best thing would be to get a quote to find this info if it falls out of their remit and if that exceeds the £600.00 limit we could then refer it to the FOI team. I'd get a rock solid quote, so we can run this past FOI. There is also an angle of us not holding the info, but if the Marketing agencies hold it on our behalf I'm not sure how strong a route that'd be.

If we can source this internally the most we can charge is £15.00 per hour, which equates to 40 hours of work per question, so we'd need to prove that this is how many hours we think it'd take. I suppose what I am trying to say is we can't just guess, we need to be sure that it would exceed the cost limit if this information is held internally.

Thanks
[Redacted]

-----Original Message-----

From: [Redacted]
Sent: 05 October 2017 15:05
To: [Redacted]
Subject: RE: FOI - ODO - Social Media Marketing - [Redacted]

Hi [Redacted]

As discussed, it would be useful to know our situation with the media agencies on this. They wouldn't charge us an hourly rate but as [Redacted] said, this one would take staff members a couple of days of time to deliver. Are Carat (and Republic) contractually bound to deliver every Fol request regardless of how big or small? Could we reject on the basis that it will cost our agency more than £600 in staff time?

As discussed, given we would not be charged for this by the agency, I think we cant go back saying it would cost us more than £600

Your advice is appreciated

[Redacted]

[Redacted]
Scottish Government
St Andrew's House
EH1 3DG
[Redacted]

-----Original Message-----

From: [Redacted]
Sent: 04 October 2017 17:32
To: [Redacted]
Cc: [Redacted]
Subject: RE: FOI - ODO - Social Media Marketing - [Redacted]

Hi [Redacted]

The upper cost limit is £600.00. It would be good if we could have some kind of info that we could use to reject on the ground of costs e.g. a quote from the PR agencies involved. Alternatively if we are collating the information internally we could apply the upper cost limit via the cost calculator;

<http://sgsharepoint/sites/freedomofinformation/FOIEIR%20Wiki/Applying%20the%20upper%20cost%20limit.aspx>.

I've also attached the template that rejects on the basis of cost. The cost limit is applied per question, so we'd need to justify per question and answer the question that isn't subject to the upper cost limit.

Thanks

[Redacted - out of scope]

From: [Redacted]
Sent: 20 October 2017 13:24
To: [Redacted]
Subject: RE: FOI/17/02278

[Redacted]

This looks right.

Just to make you aware, time spent considering whether or not information is exempt does not count towards the £600 cost limit. It is based on time spent locating, retrieving and providing the information and since you have found the 6 drafts quite quickly, it does not appear to me that this element would breach.

However, time spent redacting information can be used to estimate the cost and with 6 documents, each approximately 100 pages long and containing sensitive information, I can see how that might do so. Allied to the other elements of his request - you estimate the 4th alone would breach the limit - it does seem that £600 would be exceeded.

In replying, you should suggest ways in which he might narrow the scope of his request to bring the cost down eg focus on a specific draft or topic area or narrow the timeframe for communications. You may wish to point out that the report is due to be - or has just - published as that may satisfy him (though, as a journalist, his main interest may be in seeing what changes have been made).

I attach a link to the guidance on applying the upper cost limit:

<http://sgsharepoint/sites/freedomofinformation/FOIEIR%20Wiki/Applying%20the%20upper%20cost%20limit.aspx>

[Redacted]

[Redacted]

From: [Redacted]
Sent: 20 October 2017 12:47
To: [Redacted]
Subject: RE: FOI/17/02278

Hi [Redacted]

Thanks for coming back so quickly.

I've discussed this here with colleagues. I have gathered the relevant information, which now extends to 6 versions of the document that is approx. 100 pages long. To go through all of the changes that have been made, track them and then assess what areas of the documents are sensitive and what could be released, along with the other requests the journalist has made would take a large amount of time, and coupled with his other requests our estimates suggest it would go over the £600 costing. The changes we have made (in conjunction with stakeholders have been to some very sensitive areas, which if released could have an impact on the reputation of teachers and school staff.

[Redacted - out of scope]

Regards
[Redacted]

From: [Redacted]
Sent: 19 October 2017 16:10
To: [Redacted]
Cc: [Redacted]
Subject: RE: FOI/17/02278

[Redacted]

In this instance, I do not think the first 2 requests can be refused on the grounds that the report will be published within 12 weeks. The journalist does not ask for the report, but for drafts and datasets on which the report will be based.

[Redacted - out of scope]

[Redacted - out of scope]

[Redacted - out of scope]

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

[Redacted]

Scottish Government | Head of FOI Unit

 [Redacted] | Mob [Redacted]

From: [Redacted]
Sent: 19 October 2017 09:25
To: [Redacted]
Subject: FOI/17/02278
Importance: High

Hi [Redacted]

I'm working on an FOI we have received, and would be grateful if you could give me a couple of pointers. A journalist has asked us for the following:

- *Any draft versions of as-yet unpublished reports on behaviour in Scottish schools (any reports which will update findings in the report *Behaviour in Scottish Schools Research 2012*).
- *All datasets which will inform the above report(s).
- *All non-public reports written by the Scottish Advisory Group on Behaviour in Schools (SAGBIS) since 1 January 2014.
- *All recorded communications between the Scottish Advisory Group on Behaviour in Schools (SAGBIS) and the Scottish Government since 1 January 2014.

[Redacted - out of scope] the fourth would exceed the £600 limit on requests – an initial search on erdm has found over 600 items of correspondence and associated documents.

[Redacted - out of scope]

Thanks
[Redacted]

<< File: FOI 17 02278 reply re costs.docx >>

[Redacted] | Support and Wellbeing Unit | Learning Directorate | Area 2-C South, Victoria Quay, Edinburgh. EH6 6QQ | Tel: [Redacted]