

[redacted]

---

**From:** [redacted]  
**Sent:** 23 November 2018 09:37  
**To:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Thanks [redacted]

I agree that the additional wording provides a helpful explanation and also that further comment from SpAds would be appropriate.

In relation to searches at review, additional searches would only be required if the reviewer wasn't satisfied that the searches at request stages wouldn't have been sufficient to identify all of the information. Some reviewers re-run searches or complete additional key word searches but they are not compulsory in ever case.

Thanks  
[redacted]

[redacted] | Lead Caseworker | Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [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:** 23 November 2018 09:18  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Hi [redacted]

I'm looking for a little advice on these two revised responses please?

Education Scotland have accepted all of the tracked changes we made to their draft review responses, and under the "Relevant Information" section they have added a bit more information regarding the searches conducted, and have passed it for final review before forwarding for clearance/issuing. They've provided quite a bit of detail which answers why there isn't any correspondence between January – June 2016. I think it covers it, and I would say it's ok to go – do you agree?

From reading this I have deduced that there weren't any further searches undertaken at the review stage. I assume this is acceptable, as long as we are confident that the original searches captures everything within scope, or should they have run further searches?

Finally, regarding whether this requires clearance from SpAds/Minister. Although there are no further documents being released, I think this should go to SpAds due to the nature of the information that is being provided in the letter – would you agree?

Thanks  
[redacted]

[redacted]

---

**From:** [redacted]  
**Sent:** 20 November 2018 15:31  
**To:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

[redacted],

This looks good to me, thanks –afraid I can't shed any light on why there is no material from January to June 2016.

I do wonder whether we will get some push back from ES about the revisals but it's certainly an improvement on the original draft.

[redacted]

[redacted] | Head of Policy | Freedom of Information Unit

[redacted]

---

**From:** [redacted]  
**Sent:** 20 November 2018 13:01  
**To:** [redacted];  
**Subject:** FOI reviews: FOI/18/02164 & FOI/18/02165 -McEnaney

Thanks [redacted]

[redacted] – I have copied you for comment given your involvement in the initial request.

I have attached a copy of the response to FOI/18/02164 both with comments and the suggested changes tracked and a clean version as it is now a bit messy. I think FOI/18/02165 would need to follow the same format but I haven't updated this as yet.

<< File: FOI Review - FOI\_18\_02165 - James McEnaney - 1 - review request - 30 Oct....obr >> << File: FOI Review - FOI\_18\_02165 - James McEnaney - 3 - draft review response ~....obr >>

Let me know what you think, we can discuss if required.

Thanks  
[redacted]

[redacted] | Lead Caseworker | Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [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:** 19 November 2018 15:40  
**To:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Thanks [redacted]

I will take a look in the morning.

[redacted] | Lead Caseworker | Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [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:** 19 November 2018 15:36  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Hi [redacted]

Please could you have a read over the tracked changes/comments I have made to [redacted] draft review responses?

<< File: FOI Review - FOI\_18\_02165 - James McEnaney - 1 - review request - 30 Oct....obr >> << File: FOI Review - FOI\_18\_02165 - James McEnaney - 3 - draft review response - ....obr >>

James McEnaney originally submitted a request for copies of all communications between Colin McAllister and Education Scotland staff regarding FOI between 01/01/16 to present (date of request was 18/07/18). ES responded, applying the upper cost limit, and suggested reducing the time limit or reducing the scope by requesting the responses from Colin where an action is required. Mr McEnaney responded saying he couldn't see how he could narrow the scope, so requested it be split into two requests: one for January 2016 –December 2016, and another request for January 2017 –present, which ES accepted. ([redacted])

I also think this is the one that [redacted] was quite heavily involved in, where Education Scotland had told James McEnaney that there was a delay issuing his response as it was with SpAds.

I am not sure what is the right advice here. They have given quite an in-depth reasoning behind the delays, and I am not sure if they needed to give as much information? I have made some suggested changes but more is possibly needed?

I have tried checking through as many of the documents as I can to make sure that I agree the only personal information has been redacted, but I was getting a little confused with some. I can't

see any obvious ones where too much information has been redacted (other than document 29, which has been addressed in the review response of FOI/18/02165).

With my response to [redacted] was going to ask her to confirm whether she'd conducted any further searches to identify any correspondence within the timescale of the request that wasn't captured at the initial request stage. Or if she can provide any explanation as to why there wasn't any correspondence between January–June 2016 – it seems odd that there isn't any, unless there's an obvious reason such as Colin wasn't in post at that time?

Any help/comments on this before I go back to [redacted] is much appreciated.

Thanks  
[redacted]

[redacted] | Freedom of Information Unit | Scottish Government | 2W, St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [redacted] See our [FOI SharePoint site](#) for detailed FOI guidance.

re


--	--

**[redacted]**

---

**From:** [redacted] on behalf of Deputy First Minister and Cabinet Secretary for Education and Skills  
19 October 2018 15:38  
**Sent:** [redacted]; Deputy First Minister and Cabinet Secretary for Education and Skills ;  
**To:** [redacted]; News Desk; Communications DFM & Education; [redacted]  
**Cc:** RE: Line to take re delayed FOI responses  
**Subject:**

[redacted]

DFM has cleared this.

Thanks  
[redacted]

[redacted] | Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [redacted]

*All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.*

---

**From:** [redacted]  
**Sent:** 19 October 2018 15:11  
**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>  
**Cc:** [redacted] Communications DFM & Education  
<CommunicationsDFM&Education@gov.scot>; [redacted]  
**Subject:** Line to take re delayed FOI responses

DFM,

We have prepared a line to take in case of enquiries regarding the delayed response to Mr McEnaney's FOI requests. Can you please let me know if you are content to clear the statement below?

Many thanks,  
[redacted]

An Education Scotland spokesperson said:

'Education Scotland has apologised to Mr McEnaney for the unacceptable delay in responding to his FOI requests. This was as a result of the volume of material to be searched but also due to a change in redaction processes which brought technological issues.'

[redacted] | Head of Communications | Education Scotland | Foghlam Alba

[redacted]

---

**From:** [redacted]  
**Sent:** 11 October 2018 15:13  
**To:** [redacted]  
**Subject:** RE: URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace

Thanks [redacted]

Sorry to be a nuisance but could I perhaps have an update with where we are on redacting the documents? I've been trying to get hold of [redacted] and [redacted] but no joy - a colleague suggested they'd both gone home?

[redacted]

[redacted] | Head of Policy | Freedom of Information Unit

T:[redacted]

---

**From:** [redacted]  
**Sent:** 11 October 2018 15:05  
**To:** [redacted]  
**Cc:** News Desk <Newsdesk@gov.scot>; Rogers DA (David) (Strategy and Constitution Director) <David.Rogers@gov.scot>  
**Subject:** RE: URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace

Thanks, [redacted]

According to our records, the following are the key dates:

Case to SpAds on 30/08  
Query on redactions from SpAds on 31/08  
ES responded initially on 03/09 and updated response on 04/09  
Reminder to SpAds mailbox 07/09  
Email from Mr McEnaney enquiring about delay 09/09  
Called SpAds 10/09  
Chaser email from Mr McEnaney 11/09  
Email to [redacted] 11/09  
[redacted] forwarded to SpAds mailbox 11/09  
Response to Mr McEnaney from ES 11/09  
Chaser from Mr McEnaney 18/09  
Comments from SpADS 22/09  
Response back to SpAds from ES 25 and 26/09  
Reminder to SpAds mailbox 03/10  
Correspondence with SG FOI Unit 04/10

Hope this helps,

[redacted]

[redacted]

---

**From:** [redacted]  
**Sent:** 11 October 2018 14:54  
**To:** [redacted]  
News Desk; Rogers D (David) (Constitution and Cabinet Director); [redacted]  
**Cc:** RE: URGENT: FINAL LINE FOR VIEW RE EDUCATION SCOTLAND FOI  
**Subject:**

[redacted]

David has been in touch to ask that the Chief Executive of Education Scotland (Gayle Gorman) and relevant DGs (Ken Thomson and Paul Johnston) are also copied to the line going to [redacted] for their awareness.

Thanks,

[redacted]

[redacted] | Head of Policy | Freedom of Information Unit

T: [redacted] | M: [redacted]

---

**From:** [redacted]

**Sent:** 11 October 2018 14:39

**To:** [redacted names]

**Cc:** News Desk <Newsdesk@gov.scot>; Rogers DA (David) (Strategy and Constitution Director) <David.Rogers@gov.scot>; [redacted]

**Subject:** URGENT: FINAL LINE FOR VIEW RE EDUCATION SCOTLAND FOI

Colleagues,

Following discussion, I propose to send this line to Mr Dey for clearance, cc-ing in DFM for his interests.

Given the timescale, grateful please for any objections ASAP.

Length of the line not too much of an issue – given that it's a website with plenty of room.

Best wishes

[redacted]

[redacted]



[redacted]

---

**From:** [redacted]  
**Sent:** 11 October 2018 12:54  
**To:** [redacted]  
News Desk; Rogers D (David) (Constitution and Cabinet Director); [redacted]  
**Cc:** RE: URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace  
**Subject:**

All,

SpAds' PO has asked me for a timeline of what has happened in these cases and I am producing that as quickly as possible. However, the requests were received on 10 August and a draft response went to SpAds on 30 August. Following exchanges with SpAds' PO, an adjusted version of the response went up on 4 September. Changes appear to have been requested in an email from SpAds' PO to the case handler on 21 September (although I cannot see that email). Case handler sent a revised draft back to SpAds on 26 September (Monday 25<sup>th</sup> was a Glasgow holiday) and sought an update on 3 October. FOI Unit became involved on 4 October when the Commissioner's Head of Enforcement wrote to David Rogers about the delay. On 5 October, SpAds' PO advised the case handlers that SpAds had no further comments.

The 20 day deadline in this case was either 10 or 11 September (I cannot confirm for definite as the tracker is down, although we have asked ITECS to resolve urgently).

I'm not sighted on what was happening in the time between 4 September and 21 September, or between 26 September and 5 October – from the file, it appears that the case was with SpAds during those periods – though others may be able to confirm.

[redacted]

[redacted] | Head of Policy | Freedom of Information Unit

T: [redacted]

---

**From:** [redacted]  
**Sent:** 11 October 2018 12:45  
**To:** [redacted names]  
**Cc:** News Desk <Newsdesk@gov.scot>; Rogers DA (David) (Strategy and Constitution Director) <David.Rogers@gov.scot>; [redacted]  
**Subject:** RE: URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace

Suggested shorter line with rest in background.

Any chance of getting the answer out asap?

[redacted]

SG spokesperson said:

[redacted]

[redacted]  
Head of Communications  
Scottish Government

[redacted]

Find out more: [SG Communications Plan](#)



Handwritten signature or initials, possibly 'E S Y', written vertically.

[redacted]

---

**From:** [redacted]  
**Sent:** 11 October 2018 12:43  
**To:** [redacted]  
**Subject:** FW: URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace

**Importance:** High

[redacted]

Is this why you were asking about these cases?

[redacted]

[redacted] | Head of Policy | Freedom of Information Unit

T: [redacted]

---

**From:** [redacted]  
**Sent:** 11 October 2018 12:42  
**To:** [redacted names]  
**Cc:** News Desk <Newsdesk@gov.scot>; Rogers DA (David) (Strategy and Constitution Director) <David.Rogers@gov.scot>; [redacted]  
**Subject:** RE: URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace

Thanks [redacted], totally see your point.

[redacted]

[redacted] | Team Leader | Newsdesk | Scottish Government | [news.gov.scot](http://news.gov.scot) | Desk: [redacted]

---

**From:** [redacted]  
**Sent:** 11 October 2018 12:34  
**To:** [redacted names]  
**Cc:** News Desk; Rogers DA (David) (Strategy and Constitution Director); [redacted]  
**Subject:** RE: URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace

[redacted]

[redacted]

Chief of Staff to the First Minister

St Andrew's House

Regent Road

Edinburgh EH1 3DG

Tel: [redacted]

Mobile: [redacted]

[redacted]

*Please note Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot) for information.*

St  
@

**From:** [redacted]  
**Sent:** 11 October 2018 12:30  
**To:** Rogers D (David) (Constitution and Cabinet Director); Davldson I (Ian) (CUKRJ);  
**Subject:** RE: URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace

[redacted]

[redacted]

[redacted] | Head of Policy | Freedom of Information Unit

T: [redacted]

---

**From:** Rogers DA (David) (Strategy and Constitution Director)  
**Sent:** 11 October 2018 12:29  
**To:** Davldson I (Ian) (CUKRJ); [redacted]  
**Subject:** FW: URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace

[redacted]

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

**From:** [redacted]  
**Date:** Thursday, 11 Oct 2018, 12:23 pm  
**To:** [redacted names ]  
**Cc:** News Desk <[Newsdesk@gov.scot](mailto:Newsdesk@gov.scot)>, Rogers DA (David) (Strategy and Constitution Director) <[David.Rogers@gov.scot](mailto:David.Rogers@gov.scot)>, [redacted]  
**Subject:** URGENT: MEDIA ENQUIRY RE EDUCATION SCOTLAND FOI CommonSpace

Hello all,

Adding [redacted] and [redacted] to this email chain from last night.

In response to Common Space's questions below, I suggest the following culled from previous lines and suggestions from FOI colleagues.

We need to go back to Common Space by 3pm this afternoon.

Grateful for swift views please.

Best wishes

[redacted]

[redacted]



---

**From:** [redacted]  
**Sent:** 10 October 2018 17:00  
**To:** [redacted]  
**Subject:** FW: MEDIA QUERY: handling of FoI requests - CommonSpace

[redacted]

[redacted]

Thanks,

[redacted]

[redacted] | **Head of Policy | Freedom of Information Unit**

T: [redacted]

**From:** [redacted]

**Sent:** 10 October 2018 16:25

**To:** [redacted names];

**Cc:** News Desk <Newsdesk@gov.scot>; [redacted]; Davidson I (Ian) (CUKR);

**Subject:** MEDIA QUERY: handling of FoI requests -CommonSpace

FOI Unit colleagues,

Are you aware of situation referred to below? I tried to access the case in the FOI tracker but the site appears to be down?

Suggest as following as a starter –[redacted]

[redacted]

**From:** [redacted]  
**Sent:** 10 October 2018 16:00  
**To:** [redacted]  
**Subject:** media inquiry - govt handling of FoI requests

Hi [redacted],

Sorry for delay in emailing this over got caught up on the phone.

What follows below refers to FoI case numbers FOI/18/02164 and FOI/18/02165. [redacted]

-  
My deadline is this time tomorrow,

Thanks,

[redacted]

--

**From:** [redacted]  
**Sent:** 10 October 2018 18:09  
**To:** [redacted names]Davidson I (Ian) (CUKR); Rogers D (David) (Constitution and Cabinet Director); [redacted]  
**Cc:** RE: MEDIA QUERY: handling of Fol requests - CommonSpace  
**Subject:** FW: Information request: James McEnaney  
**Attachments:**

[redacted],

I've tried to get hold of you on a couple of occasions but have not managed to, so setting out some preliminary thoughts by email and happy to pick up in the morning. These requests were made to Education Scotland so I'm copying in [redacted] – I've been in discussions with her and her team since last Friday on what we need to do to get these responses issued.

[redacted] ;

---

Happy to discuss.

[redacted]

**[redacted] | Head of Policy | Freedom of Information Unit**

---

T: [redacted]