

**[redacted]**

---

**From:** [redacted] on behalf of PS/Education Scotland 11  
**Sent:** December 2018 13:17  
**To:** [redacted]  
**Subject:** FW: \*FOR ACTION\* - FOI reviews: FOI - review requests

**From:** [redacted]  
**Sent:** 31 October 2018 09:11  
**To:** [redacted]  
**Subject:** RE: \*FOR ACTION\* - FOI reviews: FOI - review requests

Just went through the PS Folder to check and only ES folks involved were:  
[redacted] and [redacted] so all other ADs are ok other than [redacted] ☺

Israel/Palestine is currently quite the topic too but we can try [redacted] and [redacted] perhaps  
and ask if any of them have the capacity to do these two reviews?

[redacted]

**From:** [redacted]  
**Sent:** 31 October 2018 09:00  
**To:** [redacted]  
**Subject:** RE: \*FOR ACTION\* - FOI reviews: FOI - review requests

Hi both

I think we need to stick closely to our established procedures, and if we usually use an AD, let's  
use one. Given the history, I will stick closely to this one and support you all with the wider issues.  
Using another AD also means that the review is done outwith our team, which will help avoid any  
suspicion, not least as we are now under [redacted] as AD.

Who might pick it up? Has [redacted] been involved?

Regards,

[redacted]

**From:** [redacted]  
**Sent:** 31 October 2018 08:51  
**To:** [redacted]  
**Subject:** RE: \*FOR ACTION\* - FOI reviews: FOI - review requests

Hi [redacted]

Normally we look to any AD who wasn't involved in the original responses, [redacted] was the original lead. Do you wish us to do that for these two or do you think due to the interest in them we should ask if [redacted] wishes to review?

I have checked the email 29 and unfortunately he is correct though we can explain why. It is the method of redaction which FOI unit insisted we adopt which has been the issue. When trying to cover just a name with [redacted] it has removed everything in that line and directly above it and it hasn't been noticed as we were under such pressure to release there was no real QA checks done. The email doesn't hold any pertinent info and would have been quite clear if we had been allowed to use the original redact tool as the large black line would have been bold to see on doing it! ☹ My apologies [redacted] for that error.

[redacted]

From: PS/Education Scotland

Sent: 30 October 2018 16:29

To: [redacted]

Cc: [redacted]

---

Subject: \*FOR ACTION\* - FOI reviews: FOI - review requests

Hi [redacted]

Please see email below from James McEnaney requesting the review of two FOI responses, FOI/18/02164 and 02165. Once you have recorded these reviews please let me know the response dates and I will email Mr McEnaney – will I send one acknowledgement for both?

Many thanks / Mòran taing.

---

[redacted] | Corporate Support Administrator | Education Scotland | Foghlam Alba

---

Tel: [redacted]

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Web: [www.education.gov.scot](http://www.education.gov.scot)

From: James McEnaney <[jmcemedia@gmail.com](mailto:jmcemedia@gmail.com)>

Sent: 30 October 2018 16:03

To: PS/Education Scotland <[ps@educationscotland.gov.uk](mailto:ps@educationscotland.gov.uk)>

Subject: FOI - review requests

Good afternoon.

I am writing to request a review of 2 recent FOI requests - FOI/18/02164 & FOI/18/02165

I would like both of these responses to be reviewed in full.

In both cases Education Scotland blatantly breached the law by failing to adhere to statutory timescales. The responses provided to me attempt to offer an explanation for this but I am neither convinced by, nor content with, the excuse offered by Education Scotland. I should point out at this point that I was explicitly informed by Education

Scotland staff that the responses were passed to SPADs "for consideration" yet the responses talk only of advice from the FOI unit leading to a change in processes. Furthermore, they explain this change in the context of exemptions being applied to the documents, yet you also claim to have only applied the Personal Information exemption to these releases. I therefore have no choice but to ask, again, for a proper explanation as to the appalling lateness of the responses and the reasons for this delay. I would expect this account to be clear and detailed and explicitly resolving the obvious contradictions in the existing response.

I also want you to check that all relevant material has been included in **BOTH** responses. I would point out that FOI/18/02164 only provided information from June 2016 but my request goes back to January 2016, and no explanation for the missing 5 months has been offered. Given this and the ongoing failures to answer my requests properly I simply have no faith in what I have so far received and would like a complete review to determine whether any material has been incorrectly withheld from either of my requests.

I would also like **BOTH** requests checked in relation to the withholding of information from the documents provided. The responses claim that only the Personal Information exemption has been applied yet in Document 29 of the collection of emails for FOI/18/02165 there is a redaction which cannot possibly represent the removal of only personal information. This suggests that Education Scotland has unlawfully withheld information from me, and I would therefore ask that both of my requests are rechecked on this basis.

Finally, I would like you to check to ensure that every application of the Personal Information exemption is, in fact, correct, simply because the handling of these cases has been so poor that I have no faith in the quality of the work I have received so far.

If you require any further clarifications please let me know as soon as possible (and certainly before the end of the statutory timescale for FOI reviews).

Thank you,

James McEnaney  
Lecturer and Journalist  
[REDACTED]  
[jmcemedia.wordpress.com](http://jmcemedia.wordpress.com)

--  
James McEnaney  
Lecturer and Journalist  
[REDACTED]  
[jmcemedia.wordpress.com](http://jmcemedia.wordpress.com)

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

**[redacted]**

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:17  
**To:** [redacted]  
**Subject:** FW: \*FOR ACTION\* - FOI reviews: FOI - review requests

**From:** [redacted]  
**Sent:** 31 October 2018 11:18  
**To:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>  
**Subject:** RE: \*FOR ACTION\* - FOI reviews: FOI - review requests

Hi [redacted] – the response date is 27 November. I think one acknowledgement for both would be fine – we just sent one acknowledgement when it was split into two originally.

[redacted - not in scope]

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:16  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 and 02165-McEnaney: for information  
**Attachments:** FoI\_18\_02164.obr, FoI\_18\_02165.obr

**From:** PS/Education Scotland  
**Sent:** 31 October 2018 11:45  
**To:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 and 02165-McEnaney: for information

Hi [redacted]

Links to case files attached.

Regards.

---

[redacted] | Corporate Support Administrator | Education Scotland | Foghlam Alba

---

Tel: [redacted]

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Web: [www.education.gov.scot](http://www.education.gov.scot)

**From:** PS/Education Scotland  
**Sent:** 31 October 2018 11:43  
**To:** [redacted]  
**Subject:** FOI reviews: FOI/18/02164 and 02165-McEnaney: for information

Hi [redacted]

For information -- acknowledgement sent today to James McEnaney.

Regards.

---

[redacted] | Corporate Support Administrator | Education Scotland | Foghlam Alba

---

Tel: [redacted]

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Web: [www.education.gov.scot](http://www.education.gov.scot)

**From:** PS/Education Scotland  
**Sent:** 31 October 2018 11:41  
**To:** 'James McEnaney' <jmcedia@gmail.com>  
**Subject:** RE: FOI - review requests

Dear Mr McEnaney

Thank you for your request for a review of our responses to your two requests under the Freedom of Information (Scotland) Act 2002 (FOISA). We received your request on 30 October 2018 so will respond in accordance with FOISA by 27 November 2018.

If you have any queries, please contact us quoting case numbers FOI/18/02164 and FOI/18/02165.

Regards.

---

Official Correspondence Unit | Education Scotland | Foghlam Alba

---

Tel: [redacted]

Web: [www.education.gov.scot](http://www.education.gov.scot)

[redacted - not in scope]

**[redacted]**

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:16  
**To:** [redacted]  
**Subject:** FW: Query - FOI reviews: FOI/18/02164 & FOI/18/02165

**From:** [redacted]  
**Sent:** 31 October 2018 13:19  
**To:** [redacted]  
**Subject:** RE: Query - FOI reviews: FOI/18/02164 & FOI/18/02165

You have it all worked out beautifully there [redacted] ☺  
[redacted]

**From:** [redacted]  
**Sent:** 31 October 2018 13:00  
**To:** [redacted]  
**Subject:** FW: Query - FOI reviews: FOI/18/02164 & FOI/18/02165  
**Importance:** High

Hi [redacted] -- the overall deadline is 27 November -- how long would we give [redacted] to consider the reviews? If we gave her until 8 November and that would then give Gayle a day to approve -- that would give three days for FOI unit and then the 5 days for SPADS and 3 days for DFM, if they still got the same length of time as original FOIs.

What date do you think we should give [redacted]?

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 31 October 2018 12:36  
**To:** [redacted]  
**Subject:** RE: Query - FOI reviews: FOI/18/02164 & FOI/18/02165

What is the timescale for this [redacted]?

---

[redacted] | Assistant Director | Education Scotland | Foghlam Alba

---

**Tel:** [redacted]  
**Mob:** [redacted]  
**Address:** Denholm House, Almondvale Way, Livingston EH54 6GA

**From:** [redacted]  
**Sent:** 31 October 2018 11:31  
**To:** [redacted]  
**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)> [redacted]

**Subject:** Query - FOI reviews: FOI/18/02164 & FOI/18/02165  
**Importance:** High

Hi [redacted]

We have received a review request from Mr McEnaney, in email below, for two of his recent FOIs: FOI/18/02164 & FOI/18/02165.

FOI/18/02164 was for: Copies of all communications between Colin McAllister and Education Scotland staff regarding FOI requests - from January 2016 to December 2016.

FOI/18/02165: Copies of all communications between Colin McAllister and Education Scotland staff regarding Freedom of Information requests - from January 2017 to present.

I would be grateful if you can please confirm whether you have the capacity to take forward these FOI internal review requests, as you are a member of staff that has had no involvement in his original FOI requests. If you are able to take this forward I'll send you the relevant documentation.

Thanks  
[redacted]

[redacted - not in scope] \_\_\_\_\_

\_\_\_\_\_

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:15  
**To:** [redacted]  
**Subject:** FW: Query -FOI reviews: FOI/18/02164 & FOI/18/02165

**From:** [redacted]  
**Sent:** 31 October 2018 13:34  
**To:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>  
[redacted]  
**Subject:** FW: Query -FOI reviews: FOI/18/02164 & FOI/18/02165

For info

**From:** [redacted]  
**Sent:** 31 October 2018 13:33  
**To:** [redacted]  
**Subject:** RE: Query -FOI reviews: FOI/18/02164 & FOI/18/02165

Hi [redacted] –we'll see if another AD can take forward these reviews.

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 31 October 2018 13:32  
**To:** [redacted]  
**Subject:** RE: Query -FOI reviews: FOI/18/02164 & FOI/18/02165

Is there someone else you can ask?

---

[redacted] Assistant Director | Education Scotland | Foghlam Alba

---

Tel: [redacted]  
Mob: [redacted]  
Address: Denholm House, Almondvale Way, Livingston EH54 6GA

**From:** [redacted]  
**Sent:** 31 October 2018 13:22  
**To:** [redacted]  
**Subject:** RE: Query -FOI reviews: FOI/18/02164 & FOI/18/02165

Hi [redacted]

The deadline to review these requests would be by cop Thursday 8 November.

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 31 October 2018 12:36  
**To:** [redacted]  
**Subject:** RE: Query - FOI reviews: FOI/18/02164 & FOI/18/02165

What is the timescale for this [redacted]?

---

[redacted] | Assistant Director | Education Scotland | Foghlam Alba

---

Tel:[redacted]  
Mob:[redacted]  
Address: Denholm House, Almondvale Way, Livingston EH54 6GA

[redacted - not in scope]

**[redacted]**

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:14  
**To:** [redacted]  
**Subject:** FW: Reviews

---

**From:** [redacted]  
**Sent:** 01 November 2018  
14:38  
**To:** [redacted]  
**Subject:** RE: Reviews



Updated 22  
October 2018 W...

Hi [redacted]

I've enclosed the updated timeline.

Thanks  
[redacted]

---

**From:** [redacted]  
**Sent:** 31 October 2018 09:23  
**To:** [redacted]  
**Subject:** Reviews  
**Importance:** High

Hi [redacted]  
Can you ask [redacted] in the first instance and if she is unavailable then [redacted]?

Also if you can add into the PS/Ed folder the updated timeline you sent to [redacted] and send me a copy?

[redacted]

## **Whole time line for FOI requests:**

Previous request FOI/18/01943: received on 18/7 and responded 9/8 with section 12 exemption.

FOI request resent **10 August 2018** with request to split into two if that would bring under cost limit.

13/8 - Checked with FOI unit

14/8 – FOI unit confirmed record as two FOIs would reduce cost of each FOI.

Acknowledgement to Mr McEnaney for two new FOIs 18/02164 and 02165.

Documents already gathered for previous FOI, given to internal case handler to consider, and he still had the hard copies of these documents from the original request.

Case Handler was emailed the two new FOIs and asked to take this request forward.

15/8 – Case Handler tried to call CBM and left message, however CBM off work.

16/8 – OCU manager confirmed she would set up meeting with case handler to see what information we have and what we have to do to complete these FOIs.

CBM emailed case handler and advised he had only copy of the paper documents so we would need to get a copy from him and that OCU manager was going to set up meeting with him.

17/8 – CBM sent reminder to OCU manager to set up meeting with case handler.

21/8 – CBM tried to get hold of case handler during the day but not at his desk and then sent email in afternoon to get quick chat on these FOIs.

22/8 – OCU staff got the paper copies of the documents from case handler and requested to redact docs. for “personal and none relevant information”. Note: this was instruction on original FOI however when I got docs from case handler he just asked me to redact. I wasn’t advised what to redact and hadn’t realised this was the original instruction.

22/8 – 2016 documents sent to other CBM to redact

23/8 – 2017 documents - MB got access to the redaction tool on Adobe as previously didn’t have this equipment

24/8 – Redacted docs to internal case handlers for consideration. Additional redactions requested.

27/8 – Sent for internal approval

30/8 – Approved with further redactions under s 38(1)(b).

30/8 – both FOIs sent to FOI SPADs PO for comment

31/8 – SPADs PO requested clarification on some redactions

3/9 – SPADs PO requested clarification on exemptions used for redactions and letter was updated

4/9 – resent letter with additional exemption relating to free and frank advice.

7/9 – email chase up to SPADs PO requesting progress of responses.

7/9 – holding response issued to requester for both FOIs

Sun 9/9 – requester emails us “to confirm if the delay is caused by a failure to gather in the necessary material in time or a failure to have gathered material cleared by a SPAD/Minister prior to release” with additional request to verify a date for receiving the info.

Mon 10/9 – email sent to OCU staff for awareness and response.

OCU “staff rang SPADs PO and spoke to [redacted] who advised she would look into the matter and get back to me” – awaited reply before responding to email from requester.

11/9 – further email from requester wanting an update.  
Rang [redacted] but phone engaged a number of times then rang out.  
@15:37 - DS Emailed ML and NC to request update due to requester email.  
Colleagues,

*You will be aware that these two FOI responses are with you (due date 7/9). The requestor has been notified that we will be late with a response and has now been in touch twice to ask for a reason for the delay.*

*Can you please advise when we are likely to have a response from you? The requestor has asked whether the delay is because the response is with SPADs. We will respond today to let him know the position.*

@ 15:49 - ML forwarded request to SPADs mailbox  
@ 17:05 following email sent to requester :

*Dear Mr McEnaney*

*Please accept our apologies for the delay in responding to you.*

*There has been a delay in providing you with a full response due to the sheer amount of work involved in gathering the required information for the two FOI's and in the consideration, redaction and general preparation. They are now with SPADs for consideration and we have been in touch with them to request a speedy response.*

*Once again, sincere apologies and we will endeavour to supply you with a full response to both FOI's as soon as we are able.*

18/9 – further correspondence from requester – “Another week has passed”  
19/9 – Email from Central Enquiry Unit from requester asking for update.  
Sat 22/9 comments from ML on both responses.  
24/9 – comments relating to docs out of scope/duplicates in chains and software black line redaction rather than [redacted] received by OCU staff  
25/9 - comments received by OCU following GBH. Emailed back @16:10  
With updated versions as follows:  
*Hi [redacted],*

*[redacted] is currently on leave so I have followed your requested changes to FOI 18 2164, received by me today following the Glasgow weekend, to reduce and rationalise the emails as per your list. I hope this is what you required, but please let me know if I have misinterpreted the request.*

*I have checked with the FOI unit as our software is unable to redact the emails in any other way than with the auto black line and they have approved release of the documents in that format, although stating that the gold standard is to be able to remove/replace the text with [redacted]. Wherever possible we will endeavour to do this, however we are unable to make those changes to these outlook emails.*

Could you please review and let me know if SPADs are content, if it needs to go to the Minister or there are any problems asap.

26/9 updated response for Q2165 as above also sent to SPADs

3/10 – reminder sent to SPADs.

4/10 @ 16:40 – responses issued to FOI unit as they have called to request an update on the stage of these FOIs:

*I've attached the email that I sent yesterday to FOI Spads. Amendments were made to the documents and FOI/18/2164 was returned to them 25 September and FOI/18/02165 on 26 September. I've also enclosed email showing that the original request was sent 30 August.*

5/10 @ 10:08 FOI unit requested a chat about these FOIs: CBM called and spoke to GC, Comms manager then called him as well

@ 13:14

*[redacted] sent on the attached to [redacted] yesterday. In an attempt to get things moving we're going to ask if there's anything FOI Unit can do to assist SpAds' consideration – but for that we'd need to see the unredacted information (i.e. the pdfs attached to the 3 October emails). Could we please have a copy?*

5/10 @ 13:46 – full documentation sent to FOI unit as requested.

@15:14 – email from SPADs to say content "subject to any further comment from FOI unit"

@18:16 email received from FOI unit with advice.

*[redacted],*

*(PS/SpAds for info)*

*I've discussed the above responses with you and with [redacted] in SpAds' private office this afternoon and have some comments to offer on behalf of the FOI Unit. I'm very conscious that these responses are already significantly overdue, [redacted – section 30(b)(1) – advice].*

#### Scope

*[redacted - 30(b)(1) - advice]*

#### Redactions

*Two points occur in relation to redaction: one technical and one substantive.*

The technical point is that redactions have not been done in the usual format (i.e. by replacing the text to be redacted with "[redacted]"). There was some suggestion that this was due to the documents in question being Outlook messages, but the fix for that is to copy and paste the text of the email chain into a Word document. This also has the benefit that you can simply delete duplicated email chains, again as mentioned in SpAds' comments.

[redacted – 30(b)(i) – advice]

#### Attachments

Many of the emails proposed for release appear to have attachments, yet I cannot see any attachments in the documents proposed for release. Could you please confirm what approach is being taken here? If they are being withheld, then we would need to be clear about the basis for doing so – it seems unlikely, from the file names, that section 30(b)(i) can be the justification.

#### Draft response letters

I would suggest making a number of changes to the draft letters to bring them into line with our usual wording e.g. on section 38(1)(b). This is essentially a technical exercise, although the section 30(b)(i) reasoning could perhaps be expanded. Again, I'm happy to assist with this – but have not yet proposed changes as it may be that we need to add wording in to cover other exemptions (depending on what happens with the redactions).

#### Next steps

I appreciate there is a lot to take on board here, but would reiterate that the FOI Unit is happy to do what we can to assist and get these responses issued. If it would be helpful to arrange a call on Monday to discuss once you've had an opportunity to consider, I'd be happy to do so.

8/10 @ 09:13 – email from D Rogers to G Gorman forwarded to OCU staff;  
The message below from Scottish Information Commissioner's office relates to an FOI case being handled by Education Scotland that is now exceptionally late.

See also this on twitter by the requester, who is a high-profile campaigner for improvement in FOI: <https://twitter.com/MrMcEnaney/status/1047815256880427009>

The FOI unit is in touch with the case handler, [redacted] but I wanted to ensure that this was on your radar. Obviously the case needs a response as a matter of urgency.

David

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: 0131 244 [redacted] | E: [david.rogers@gov.scot](mailto:david.rogers@gov.scot)

**From:** [redacted]

**Sent:** 04 October 2018 15:31

**To:** Rogers DA (David) (Strategy and Constitution Director)  
**Subject:** Information request: James McEnaney

*Dear Mr Rogers*

*The Commissioner has asked me to make you aware of an information request made by James McEnaney, which is receiving some publicity.*

*He understands that Mr McEnaney made a request to the Scottish Ministers on 10 August 2018 for information about the influence of a named SPAD over disclosures made by a specified branch of the Scottish Government. He also understands that the Ministers wrote to Mr McEnaney on 11 September 2018, advising him that the response had been delayed due to the amount of work involved in gathering the information, redaction, etc. Mr McEnaney was also advised, at that point, that the response was with the SPADs for consideration.*

*According to Mr McEnaney, he has not received a response to his request, almost one month after the final date for responding under FOISA.*

*Given the recent, high profile assessment carried out by the Commissioner and, in particular, the focus on the role of the SPADs in responding to information requests, the Commissioner wanted to make sure that you were aware of the delay in responding to this request and of the reasons given for the delay*

8/9 @ 9:29 - email to request a conference number for call due at 10am with FOI unit and OCU/Comms ES staff.

@12:23 -- email to [redacted] FOI unit in response to offer to assist with redactions. Full set of papers sent unredacted.

GC advised meeting SPADs so would discuss case with them

9/9 -- update to Gayle via comms.

10/10 @ 14:35 GC provided advice on the information that would be within the scope for these requests.

11/10 @ 12 -- update on responses from GC FOI unit due to media request.

12/10 @ 09:22-- RH emailed GC query on one out of scope document

12/10 @ 18:12 -- email to GC FOI unit with updated responses as per original guidance from FOI unit for 02165.

15/10 @ 13:33 -- email chase up with apology to move FOI 18/02165 along

@14:10 -- email from MB to GC with updated info for FOI 18/02164.

@17:51 -- email from GC to RH with updated versions of word docs and further changes @18:52 -- email from GC to MB with similar but slightly different handling approach to handling of emails "not in scope".

16/10 @ 12:13 email to GC;

*Thank you for your assistance and sending on the updated and marked word/pdf documents.*

*Both [redacted] and I have some queries on the documents and would really appreciate some definite clarifications prior to re-redacting some of the information marked up.*

Call made and clarifications given to OCU staff with agreement to ensure consistency in approaches across both FOI responses.

@14:57 – email to internal colleagues on a specific advice doc and if advice was sensitive in nature/commercially sensitive or could be released for FOI 18/02164.

@17:09 – email to GG for internal approval of documentation for 18/02165.

@17:39 Procurement and Grants Manager passes request re: document on 18/02164 to Finance manager to respond

17/10 @ 8:47 – email with approval for 02165.

@9:11 – email to FOI unit to confirm if required to go to SPADs again and DFM.

17/10 @ 12:59 DLT programme lead confirms for 18/02164: the information contained on Twig costs is not commercially sensitive. SG procurement have also agreed with this assessment.

@ 13:32 approval from GG with updated letter including an apology as per advice from FOI unit – however line suggested was amended. 02165.

14:13 – 02165: email to DFM for approval and cc'd to SPADs for awareness.

14:28 –02165. email from SPADs to DFM PO to advise SPADs would reconsider prior to DFM.

18/10 @ 10:40 – 02165 email from SPADs to say content.

@ 11:58 – email to DFM resent for approval for 18/02165.

19/10 @9:51 Finance confirm for 18/02164 : It is not commercially sensitive and can be released.

@10:31 18/02164: sent to GG for internal approve

@ 10:48 18/02164: approved by GG

@ 10:57 18/02164: sent to SPADS

@ 11:15 DFM approved 18/02165

@ 12:20 18/02165 response issued

22/10 @9:48 18/02164: approved by SPADS

@9:52 requester asks for an update on when receive response to 18/02164

@ 9:57 18/02164: sent to DFM for approval

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:13  
**To:** [redacted]  
**Subject:** FW: Query: Reviews Mr McEnaney to allocate AD

---

**From:** [redacted]  
**Sent:** 02 November 2018 10:58  
**To:** [redacted]  
**Subject:** RE: Query: Reviews Mr McEnaney to allocate AD

Hi [redacted]– can you give me a quick call?

Thanks,

[redacted]

---

**From:** [redacted]  
**Sent:** 02 November 2018 10:27  
**To:** [redacted]  
**Subject:** RE: Query: Reviews Mr McEnaney to allocate AD

Thanks [redacted], I'll try her.

[redacted]

---

**From:** [redacted]  
**Sent:** 02 November 2018 10:15  
**To:** [redacted]  
**Subject:** RE: Query: Reviews Mr McEnaney to allocate AD

Hi [redacted] – what about [redacted]?

[redacted]

---

**From:** [redacted]  
**Sent:** 02 November 2018 10:06  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>  
[redacted]  
**Subject:** Query: Reviews Mr McEnaney to allocate AD  
**Importance:** High

Hi [redacted]

Further to [redacted] email below, I emailed [redacted] to see if she could take forward these reviews however she asked if there was someone else who could do it. I then contact [redacted] and I've spoken to her this morning, she said she is really busy with other inspection work, FOIs and FMQs and didn't think she would be able to respond by the deadline, although she did say if there was no one else she would try and make the time for these FOIs.

Is there any other AD who could take this on?

Thanks  
[redacted]

---

[redacted - not in scope]

---

[redacted]

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:12  
**To:** [redacted]  
**Subject:** FW: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

---

**From:** [redacted]  
**Sent:** 02 November 2018 12:04  
**To:** [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

Ok [redacted] – I'll do the review

Regards

[redacted]

---

[redacted] | Assistant Director Digital Services | [redacted] | [redacted]

---

---

**From:** [redacted]  
**Sent:** 02 November 2018 11:32  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationScotland@educationScotland.gsi.gov.uk>  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

Hi [redacted]

I've enclosed information in the table below regarding the points raised in his reviews.

1. timelines	<< File: Updated 22 October 2018 Whole time line for FOI requests to AD.docx >>
2. FOI/18/02164 only provided information from June 2016 but my request goes back to January 2016, and no explanation for the missing 5 months has been offered	[redacted] obtained the information for the original FOI and there was no documentation for Colin McAllister prior to June 2016
3. for FOI/18/02165 there is a redaction which cannot possibly represent the removal of only personal information.	[redacted] redacted 02165, she has confirmed: I have checked the email 29 and unfortunately he is correct though we can explain why. It is the method of redaction which FOI unit insisted we adopt which has been the issue. When trying to cover just a name with [redacted]

	it has removed everything in that line and directly above it and it hasn't been noticed as we were under such pressure to release there was no real QA checks done. The email doesn't hold any pertinent info and would have been quite clear if we had been allowed to use the original redact tool as the large black line would have been bold to see on doing it
every application of the Personal Information exemption is, in fact, correct  response to 02164	<< Message: FOI request - Education Scotland FOI request FOI/18/02164 >>
every application of the Personal Information exemption is, in fact, correct  response to 02165	<< Message: FOI request - Education Scotland FOI request FOI_18_02165 >>

We have asked other ADs however unfortunately they have been unable to take them on.

Grateful if you could confirm today whether you would be able to take on these reviews. If so, the date the reviews would have to be completed would be cop Thursday 8 November to allow time to go through the approval process with Gayle, FOI unit, SPADS and then DFM.

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 02 November 2018 10:45  
**To:** [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

[redacted]

I understand this is a big FOI – can you give me an idea of the volume of material I would need to review please. I'm pretty pushed next week so if this is really big then I might not have the time

I assume from the elapsed time from receipt of the gentleman's email until today that we have tried someone else?

Lastly, your email is headed response due 2 November – I'm assuming that is just as to whether I can do it and that the review needs to be done by the 8<sup>th</sup>. Can you confirm please

Regards

[redacted]

---

[redacted] | Assistant Director Digital Services | [redacted] | [redacted]

---

**[redacted]**

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:11  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165

---

**From:** [redacted]  
**Sent:** 02 November 2018 12:29  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>

**Subject:** FOI reviews: FOI/18/02164 & FOI/18/02165

Hello

Just to let you know that [redacted] has agreed to take on these reviews.

Thanks  
[redacted]

---

[redacted – not in scope]

---

---

---

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:10  
**To:** [redacted]  
**Subject:** FW: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

---

**From:** [redacted]  
**Sent:** 02 November 2018 15:21  
**To:** [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

Hi

It's probably easier to sit and talk through everything anyway and we can explain the situation properly with these FOIs. I've booked Highlands 1 from 4pm until 5pm on Tuesday as we are all in that day. Hope that's ok - I'll send round the meeting request.

Thanks  
[redacted]

---

**From:** [redacted]  
**Sent:** 02 November 2018 13:00  
**To:** [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

Thanks [redacted] - a meeting would be really helpful and probably save me sending loads of emails

Regards

[redacted]

---

-----[redacted] - Assistant Director Digital Services - [redacted] - [redacted]-----

---

**From:** [redacted]  
**Sent:** 02 November 2018 12:51  
**To:** [redacted]  
**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

<< Message: FOI/18/02164 and FOI/18/02165 - draft responses and documents for release - FOI Unit comments >> << Message: RE: Urgent clarification required. >> << Message: RE: very quick query on a

single out of scope email >> << Message: FOI/18/02164 and FOI/18/02165 - scope of requests and further handling - FOI Unit advice >> << Message: RE: Final advice request hopefully >> << Message: RE: FOI 18 01265 update documents and queries URGENT >> << Message: RE: FOI 18 01265 update documents and queries URGENT >> << Message: RE: FOI 18/01264 >> << Message: RE: FOI 18/01264 >>

<< Message: RE: FOIs URGENT >>

Hi [redacted]

I've enclosed the emails from the FOI unit.

[redacted] was involved in the original request, which was rejected as over the time limit. I was then allocated FOI/18/02164 & FOI/18/02165. I did the final redactions for FOI/18/02164, while [redacted] did the final redactions for FOI/18/02165. We were both involved, along with [redacted], in communication with the FOI unit. We also tried to get updates from SPADS regarding these FOIs – I've enclosed email detailing this.

Do you want me to set up a meeting in Optima for the three of us and we can sit and go through these FOIs and the review request?

Thanks  
[redacted]

---

**From:** [redacted]  
**Sent:** 02 November 2018 12:10  
**To:** [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

[redacted]

Can I see the emails related to the correspondence / advice from FOI unit please - and who should I talk to to get a sense of the timelines and actions for the previous FOI (we seem to have been really late 23/10 rather than 7 /9)?

Regards

[redacted]

---

[redacted] | Assistant Director Digital Services | [redacted] | [redacted]

---

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:09  
**To:** [redacted]  
**Subject:** FW: Searches for the original FOI 18\_01943

---

**From:** [redacted]  
**Sent:** 07 November 2018 13:42  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** Searches for the original FOI 18\_01943

Hi [redacted]

In order to assist I have compiled the following emails relating to the initial searching for papers and folders etc for the original FOI/18/01943.

In the PS/Ed folder I have:  
papers from PS/Ed mailbox  
All other received emails  
Emails from papers saying SPADs (which were then searched to find "Colin McAllister" and those were put into the original FOI folder.  
It is those ones from the FOI folder [redacted] used for the two subsequent FOI requests splitting the same info into 2 requests.

Email requesting advice with team and manager:



FW: \*FOR  
ACTION\* FOI/18...

Email to relevant staff for search and response from [redacted] on easiest way to gather info (via PAs etc) :



RE: FOI 18 01943  
James McEnane...

Email following search of PS/Ed folders:



FOI 18 01943  
McEnaney

Hope that is helpful.

[redacted]

[redacted]

---

**From:** [redacted]  
**Sent:** 19 July 2018 09:58  
**To:** [redacted]  
**Cc:** PS/Education Scotland; [redacted]  
**Subject:** FW: \*FOR ACTION\* FOI/18/01943-James McEnaney: DEADLINE 16/8/18  
**Attachments:** FoI\_18\_01943.obr

Hi [redacted] (& colleagues – all advice gratefully received)

The attached FOI is for all correspondence between ES staff and Colin McAllister.

From the FOI tracker it appears we have 200 cases min to check through as answered within that timeframe (plus an all staff email to check if any correspondence and any External reviews). My query is this – we don't send correspondence to an individual SPAD but to a mailbox so would the response be to ask all SD/AD and OCU staff to do an email check for anything specific they had sent to Colin himself and respond? Don't know if we always had a mailbox however??

Alternatively would it be that we have over 200 cases plus to check each file to see the following:  
Did it go to spads  
If so who answered it (for example [redacted]/[redacted] or Colin himself)  
If Colin – redaction of papers ready for answer.

I would think that that would take much longer than the £600 cost in the time taken to locate, check folder, if a yes then which papers were answered by Colin then redaction of any that were to be included.

[redacted – out of scope]

[redacted]

[redacted]  
Corporate Business Manager

---

**From:** PS/Education Scotland  
**Sent:** 18 July 2018 14:31  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** \*FOR ACTION\* FOI/18/01943-James McEnaney: DEADLINE 16/8/18

Hi [redacted]

The attached link will take you to a new Freedom of Information request from James McEnaney, Lecturer and Journalist, grateful if you could provide a response. The target date for our response is 16 August 2018. An acknowledgement has been sent.

Many thanks / Mòran taing.

---

[redacted] | Corporate Support Administrator | Education Scotland | Foghlam Alba

[redacted]

---

**From:** [redacted]  
**Sent:** 25 July 2018 10:09  
**To:** [redacted]  
**Subject:** RE: FOI 18 01943 James McEnaney response due COP 30 July 2018

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi [redacted]

Thanks for sending this message out. I'll ask the Pas to trawl through mailboxes as this might be quicker and it gets all ADs and the ET.

It's a nil response from me!

Regards

[redacted]

[redacted] | Assistant Director – Governance, Assurance and Corporate Performance | **Education Scotland** | Foghlam Alba

Tel: [redacted] Internal: [redacted]  
Mobile: [redacted]

AB1, 48 Huntly Street, Aberdeen, AB10 1SH

AB1, 48 Sràid Huntley, Obar Dheathain, AB10 1SH

*for Scotland's learners with Scotland's educators*

**#WeAreES**

[www.education.gov.scot](http://www.education.gov.scot)

**From:** [redacted]  
**Sent:** 25 July 2018 10:03  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk> [redacted]

**Subject:** FOI 18 01943 James McEnaney response due COP 30 July 2018

Hello all

We have received an FOI from James McEnaney which asks for :

**all communication between Education Scotland staff and Colin McAllister in relation to Freedom of Information requests.**

Could you all conduct an urgent trawl of your inboxes and send any emails to and from yourself/Colin McAllister (SPADs) and send them to myself by COP Monday 30 July.

Apologies for the tight turnaround but as this is a sensitive issue it will require approvals and advice from SPADs and Ministers prior to release.

Please note we are looking for emails only relating to FOI and specifically addressed to and from Colin McAllister - not general ones to mailboxes or to PS/Ed/Official Correspondence team relating to FOIs .

Please pass this email to any others you know may need to conduct the search also.

Many thanks in anticipation of your assistance.

[redacted]

[redacted]

Corporate Business Manager  
Official Correspondence Unit

**[redacted]**

---

**From:** [redacted]  
**Sent:** 20 July 2018 15:10  
**To:** [redacted]  
**Cc:** PS/Education Scotland  
**Subject:** FOI 18 01943 McEnaney

Hi [redacted]

I have checked all 200 folders (after locating 15/16 and part of 16/17 on the G Drive finally).

We have 156 emails relating to FOI with the SPADs mailbox – many of these don't mention a SPAD by name – some mention Kate quite a bit and a couple of others with the rest as Colin or not named.

They relate to about a quarter of the FOI's as some are appeals/numerous bits back and forth in discussion on the same FOI for example.

To redact them some may be quite quick – but the info going in them would also need redacted as often they get the "unredacted/highlighted" version as well as the redacted ones.

I have "spent" £150 of the £600 allowed for the FOI in total in just locating the emails and moving them into a folder.

How do you think we should proceed at this point? I am unsure if this can be done in the cost allowance or not?

Regards  
[redacted]

[redacted]  
Corporate Business Manager  
Mobile: [redacted]

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:09  
**To:** [redacted]  
**Subject:** FW: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

---

**From:** [redacted]  
**Sent:** 08 November 2018 09:42  
**To:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

Hi [redacted] – please send her a wee reminder, thanks [redacted]

---

**From:** PS/Education Scotland  
**Sent:** 08 November 2018 08:14  
**To:** [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*response due 2 November\*

Hi [redacted]

Do you want a reminder sent today to [redacted] or will I flag this for Monday?

Many thanks / Mòran taing.

---

[redacted] | Corporate Support Administrator | Education Scotland | Foghlam Alba Tel:

---

[redacted]

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Web: [www.education.gov.scot](http://www.education.gov.scot)

---

[redacted - not in scope]

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 13:08  
**To:** [redacted]  
**Subject:** FW: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 8 November\*

---

**From:** [redacted]  
**Sent:** 09 November 2018 12:58  
**To:** [redacted]  
**Cc:** PS/Education Scotland [redacted]

**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 8 November\*

Sorry – got caught up with other work – I'll not leave until they are done!

Regards

[redacted]-----  
[redacted] Assistant Director Digital Services | [redacted] | [redacted]  
-----

---

**From:** [redacted]  
**Sent:** 09 November 2018 12:46  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>

**Subject:** FW: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 8 November\*

Hi [redacted]

Just a wee reminder that the response is due for these reviews.

**From:** [redacted]  
**Sent:** 09 November 2018 10:39  
**To:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>

**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 8 November\*

I'll have it done today

Regards

[redacted]

---

[redacted] Assistant Director Digital Services | [redacted] | [redacted]

---

---

**From:** PS/Education Scotland  
**Sent:** 08 November 2018 09:44  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 8 November\*  
**Importance:** High

Hi [redacted]

A quick reminder that your review responses are due back with [redacted] today.

Many thanks / Mòran taing.

---

**[redacted]** Corporate Support Administrator | Education Scotland | Foghlam Alba

---

Tel: **[redacted]**

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Web: [www.education.gov.scot](http://www.education.gov.scot)

---

[redacted - not in scope]

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:41  
**To:** [redacted]  
**Subject:** FW: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 8 November\*

**From:** [redacted]  
**Sent:** 09 November 2018 15:46  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk> [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 8 November\*

[redacted]

Done! But it does need whatever topping and tailing of the response we normally do so I'd be grateful if you could look it over please

Regards

[redacted]

---

[redacted] | Assistant Director Digital Services | [redacted] | [redacted]

---

**From:** [redacted]  
**Sent:** 09 November 2018 14:44  
**To:** [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 8 November\*

Hi [redacted]

I've enclosed the links to the draft responses for both these reviews. Details of his review request are in these letters.

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 09 November 2018 14:29  
**To:** [redacted]  
**Subject:** RE: Urgent Query - FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 8 November\*

[redacted]

Can you send me the link to the review request and response please – seem to have lost them in the mail trail somewhere

Regards

[redacted]

---

[redacted] | Assistant Director Digital Services | [redacted] | [redacted]

---

---

[redacted - not in scope]

[redacted]

---

**From:** [redacted]  
**Sent:** 15 November 2018 14:40  
**To:** [redacted]  
**Subject:** RE: \*due 15 Nov - For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165

Hi [redacted]

Do you have the attachments ? This will need to go to SPADs at least and there are none on this email chain ☺

[redacted – not in scope]

[redacted]

**From:** [redacted]  
**Sent:** 15 November 2018 14:24  
**To:** [redacted]  
**Subject:** FW: \*due 15 Nov - For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165  
**Importance:** High

**From:** Walker M (Maria)  
**Sent:** 15 November 2018 14:16  
**To:** Taylor B (Brian) <[Brian.Taylor@educationscotland.gsi.gov.uk](mailto:Brian.Taylor@educationscotland.gsi.gov.uk)> [redacted]  
**Subject:** RE: \*due 15 Nov - For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165  
**Importance:** High

[redacted]  
Brian has made some comments and changes as I was unsure of the context.  
Given the subject and context of the FOI am I right in assuming this will now go through the normal FOI procedures in SG?  
If so, then I am ok to approve this.  
Thanks  
Maria

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

**From:** "Taylor B (Brian)" <[Brian.Taylor@educationscotland.gsi.gov.uk](mailto:Brian.Taylor@educationscotland.gsi.gov.uk)>  
**Sent:** 15 Nov 2018 13:58  
**To:** [redacted]  
**Cc:** "Walker M (Maria)" <[Maria.Walker@educationscotland.gsi.gov.uk](mailto:Maria.Walker@educationscotland.gsi.gov.uk)>  
**Subject:** RE: \*due 15 Nov - For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165

[redacted]

Thanks, please see attached.

I have included comments and one change that was a typo – this is relevant to both replies.

Given the document we are sending out there is little scope of the presentation points I raise to make any difference but it may be helpful to think about the emphasis in the replies.

I do think that the replies are fine but there are serious implications here about conflict of interest that the OCU should (and I think are) raise with the FOI unit to clarify processes. We do make reference to reviewing procedures.

Regards

Brian.

---

**From:** [redacted]  
**Sent:** 15 November 2018 12:32  
**To:** Taylor B (Brian) <Brian.Taylor@educationscotland.gsi.gov.uk>  
**Subject:** \*due 15 Nov - For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165  
**Importance:** High

Hi Brian

Maria has asked whether you could look over this, as it is due in today. She needs another opinion as there's bit 're SG' Maria doesn't understand. Maria is at a conference all day, but picking up emails, at coffee breaks. Many thanks in advance.

[redacted]

---

**From:** [redacted]  
**Sent:** 15 November 2018 11:31  
**To:** Walker M (Maria) <Maria.Walker@educationscotland.gsi.gov.uk>  
**Subject:** \*due 15 Nov - For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165  
**Importance:** High

URGENT FOR TODAY.  
[redacted]

---

**From:** [redacted]  
**Sent:** 13 November 2018 11:51  
**To:** Walker M (Maria) <Maria.Walker@educationscotland.gsi.gov.uk>  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gsi.gov.uk>; [redacted]  
**Subject:** For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 15 Nov

Hi Maria

We have received two FOI reviews and [redacted] has drafted a response to both of these. Grateful for your comments/approval to the attached draft responses.

Your reply by cop **Thursday 15 November** would be very much appreciated, as they will need to go to the FOI unit for clearance.

**FOI/18/02164**

FOI Review request << File: FOI Review - FOI\_18\_02165 - James McEnaney - redacted\_email\_29.docx >>  
FOI Draft response << File: FOI Review - FOI\_18\_02165 - James McEnaney - 3 - draft review response -....doc >>

**FOI/18/02165**

FOI Review request << Message: FOI - review requests >>  
FOI Draft response << Message: FOI - review requests >>  
Document 29 << File: FOI Review - FOI\_18\_02164 - James McEnaney - 3 - draft review response -....doc >>

Mòran taing | Many thanks

[redacted]

---

**[redacted]**

Corporate Business Manager | Education Scotland | Foghlam Alba

---

Tel: **[redacted]**

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Taigh Denholm, Pàirc Ghnìomhachais Ghlinn Almoin, Baile Lèibhinn EH54 6GA

[www.educationscotland.gov.uk](http://www.educationscotland.gov.uk)

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

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:39  
**To:** [redacted]  
**Subject:** FW: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 16 Nov  
**Attachments:** FOI Review - FOI\_18\_02164 - James McEnaney - 3 - draft review response -...doc

**From:** [redacted]  
**Sent:** 16 November 2018 10:24  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; Taylor B (Brian) <Brian.Taylor@educationscotland.gsi.gov.uk> [redacted]  
**Subject:** FW: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 16 Nov

Hi [redacted]

Thank you for your updates, I will ensure the changes are reflected in both review responses.

Kind Regards  
[redacted]

[redacted] - Corporate Business Manager - [redacted]

---

**From:** [redacted]  
**Sent:** 16 November 2018 10:09  
**To:** Taylor B (Brian) <Brian.Taylor@educationscotland.gsi.gov.uk> [redacted]  
**Subject:** FW: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 16 Nov

[redacted]

Some changes on the back of Brian's comments

Regards

[redacted]

[redacted] | Assistant Director Digital Services | [redacted] [redacted]

---

**From:** [redacted]  
**Sent:** 15 November 2018 15:26  
**To:** [redacted]

Cc: PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; Taylor B (Brian)

<Brian.Taylor@educationscotland.gsi.gov.uk>; Walker M (Maria)

<Maria.Walker@educationscotland.gsi.gov.uk>[redacted]

Subject: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 16 Nov

Hi [redacted]

Brian has made some comments to the draft responses attached for consideration. Grateful if you can check over and advise.

Kind Regards

[redacted]

---

[redacted] | Corporate Business Manager [[redacted]]

From: Taylor B (Brian)

Sent: 15 November 2018 15:04

To: [redacted] Walker M (Maria)<Maria.Walker@educationscotland.gsi.gov.uk>; [redacted]

Cc: PS/Education Scotland<ps/educationscotland@educationscotland.gsi.gov.uk> [redacted]

Subject: RE: \*due 15 Nov - For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165

[redacted]

There is just one typo change and some comments for consideration – in terms of consistency with messages and previous exchanges.

Regards

Brian.

From: [redacted]

Sent: 15 November 2018 15:00

To: Walker M (Maria) <Maria.Walker@educationscotland.gsi.gov.uk> Taylor B (Brian)

<Brian.Taylor@educationscotland.gsi.gov.uk>; [redacted]

Cc: PS/Education Scotland<ps/educationscotland@educationscotland.gsi.gov.uk> [redacted]

Subject: RE: \*due 15 Nov - For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165

Hi Maria

Do you have the documents with Brian's comments and changes? I note I sent you word versions as you are unable to access eRDM. Did Brian update the documents on the word versions or eRDM. Grateful if you can advise and send documents if entered on word version.

Kind Regards

[redacted]

-----  
[redacted] | Corporate Business Manager | [redacted]  
-----

....  
[redacted - not in scope]

-----  
-----

-----  
-----  
-----  
-----

-----  
-----

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:38  
**To:** [redacted]  
**Subject:** FW: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 16 Nov

---

**From:** Taylor B (Brian) <Brian.Taylor@educationscotland.gsi.gov.uk>  
**Sent:** 16 November 2018 11:19  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; [redacted]  
**Subject:** RE: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 16 Nov

[redacted]

My thanks and I can confirm I am content with the response, much obliged to [redacted] for undertaking the review.

I would like us to adhere to protocol. If that does include clearing through Gayle then please state that both Maria and I have reviewed to expedite matters. If this is not standard practice then please issue and copy Gayle in for awareness.

Regards

Brian.

**Brian Taylor** | Strategic Director for Corporate Services & Governance | Education Scotland / Foghlam Alba | Tel: [redacted] | Mob: [redacted]

---

**From:** [redacted]  
**Sent:** 16 November 2018 10:52  
**To:** Taylor B (Brian) <Brian.Taylor@educationscotland.gsi.gov.uk>  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; [redacted]  
**Subject:** RE: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 16 Nov

Hi Brian

I have now updated both FOI review responses and have attached for you to check. Grateful if you can now confirm that you are content with the responses and I will send to the FOI unit for clearance. Would you like Gayle to have sight of these first before sending to the FOI unit.

**FOI/18/02164**

FOI Review request	<< File: FOI Review - FOI_18_02165 - James McEnaney - redacted email 29.docx >>
FOI Draft response	<< Message: FOI - review requests >>

**FOI/18/02165**

FOI Review request	<< Message: FOI - review requests >>
FOI Draft response	<< File: FOI Review - FOI_18_02165 - James McEnaney - 3 - draft review response -....obr >>
Document 29	<< File: FOI Review - FOI_18_02164 - James McEnaney - 3 - draft review response -....obr >>

Kind Regards  
[redacted]

-----  
[redacted] | Corporate Business Manager | [redacted]  
-----

**From:** Taylor B (Brian)  
**Sent:** 16 November 2018 10:20  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 16 Nov  
**Importance:** High

[redacted]

Can we check that the corresponding paragraphs (where they are corresponding) are also amended in the other review response, as my comments were provided to be reflected in both.

Happy to discuss and many thanks

Brian.

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:37  
**To:** [redacted]  
**Subject:** FW: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 15 Nov

---

**From:** Walker M (Maria) <Maria.Walker@educationscotland.gsi.gov.uk>;  
**Sent:** 16 November 2018 12:19  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gsi.gov.uk>; [redacted]  
**Subject:** RE: For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 15 Nov

Just belt and braces but agreed  
Maria

---

**From:** [redacted]  
**Sent:** 13 November 2018 11:51  
**To:** Walker M (Maria) [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; Gorman G (Gayle) <Gayle.Gorman@educationscotland.gsi.gov.uk>; [redacted]  
**Subject:** For comments/approval: FOI reviews: FOI/18/02164 & FOI/18/02165 \*due 15 Nov

Hi Maria

We have received two FOI reviews and [redacted] has drafted a response to both of these. Grateful for your comments/approval to the attached draft responses.

Your reply by cop **Thursday 15 November** would be very much appreciated, as they will need to go to the FOI unit for clearance.

**FOI/18/02164**

FOI Review request	<< File: FOI Review - FOI_18_02165 - James McEnaney - redacted email 29.docx >>
FOI Draft response	<< File: FOI Review - FOI_18_02165 - James McEnaney - 3 - draft review response -

....doc >>

**FOI/18/02165**

FOI Review request	<< Message: FOI - review requests >>
FOI Draft response	<< Message: FOI - review requests >>
Document 29	<< File: FOI Review - FOI_18_02164 - James McEnaney - 3 - draft review response - ....doc >>

Mòran taing | Many thanks

[redacted]

---

**[redacted]**

Corporate Business Manager | Education Scotland | Foghlam Alba

---

Tel: **[redacted]**

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Taigh Denholm, Pàirc Ghnìomhachais Ghlinn Almoìn, Baile Lèibhinn EH54 6GA

Web: [www.educationscotland.gov.uk](http://www.educationscotland.gov.uk)

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

**[redacted]**

---

**From:** [redacted]  
**Sent:** 19 November 2018 09:25  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

[redacted – not in scope]

**From:** [redacted]  
**Sent:** 19 November 2018 09:09  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 -McEnaney

No problem [redacted]. Sent them to FOI unit on Friday afternoon.

[redacted – not in scope]

[redacted]

**From:** [redacted]  
**Sent:** 19 November 2018 08:50  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 -McEnaney

Doh –ignore me just read the actual email this time!

I need some sleeeeeeep!

**From:** [redacted]  
**Sent:** 19 November 2018 07:51  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 -McEnaney

---

---

---

Hi folks

Just checking have these reviews been to FOI unit for clearance or are they going following SPADs ? If so [redacted] can you chase SPADs up later this afternoon (don't give them the week or it will be late next Friday!) – [redacted – out of scope]  
Just working through the [redacted – out of scope] and Sarah did say that all reviews get final clearance from FOI unit ☺

[redacted]

---

**From:** [redacted]  
**Sent:** 16 November 2018 14:26  
**To:** Freedom of Information <foi@gov.scot>  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; [redacted]  
**Subject:** FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Hi

Please see attached two FOI review requests for approval. It is from James McEnaney who has asked for a review of our FOI responses as he states that in both cases Education Scotland blatantly breached the law by failing to adhere to statutory timescales. I have attached the original FOI request to the Review request/response.

Can you confirm if these responses can be released and advise if it should go to SpAds/Minister.

#### **FOI/18/02164**

FOI Review request – 30 Oct 2018	<< File: FOI Review - FOI_18_02165 - James McEnaney - 1 - review request - 30 Oct....obr >>
FOI Draft response review template	<< File: FOI Review - FOI_18_02165 - James McEnaney - 3 - draft review response - ....obr >>
FOI Request and response	<< File: FOI Review - FOI_18_02165 - James McEnaney - redacted email 29..obr >>

#### **FOI/18/02165**

FOI Review request	<< File: ObjRef.obr >>
FOI Draft response	<< File: FOI Review - FOI_18_02164 - James McEnaney - 3 - draft review response - ....obr >>

Document 29

<< File: FOI Review -  
FOI\_18\_02164 - James  
McEnaney - 1 - review  
request - 30 Oct....obr

>>

FOI Request and response

<< File: ObjRef.obr >>

Mòran taing | Many thanks

[redacted]

---

[redacted]

Corporate Business Manager | Education Scotland | Foghlam Alba

---

Tel: [redacted]

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Taigh Denholm, Pàirc Ghnìomhachais Ghlinn Almoin, Balle Lèibhinn EH54 6GA

Web: [www.educationscotland.gov.uk](http://www.educationscotland.gov.uk)

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

**[redacted]**

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:36  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

---

**From:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>  
**Sent:** 21 November 2018 10:13  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 -McEnaney

Hi [redacted]

Is any progress with these reviews? Target date is 27 November 2018.

Many thanks / Mòran taing.

---

**[redacted]** | Corporate Support Administrator | Education Scotland | Foghlam Alba

---

Tel: **[redacted]**

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Web: [www.education.gov.scot](http://www.education.gov.scot)

---

[redacted - not in scope]

---

---

---

**[redacted]**

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:35  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney  
**Attachments:** FOI-18-02164 - draft review tracked changes.doc; FOI-18-02165 - draft review tracked changes.doc

**From:** [redacted]  
**Sent:** 21 November 2018 12:04  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

[redacted]

Please see comments below from the FOI unit with regard to your FOI reviews, can you take forward.

Thanks, [redacted]

**From:** [redacted] **On Behalf Of** Freedom of Information  
**Sent:** 21 November 2018 12:02  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Hi [redacted]

Thank you for sharing your draft review response with the FOI Unit. Attached are copies of your draft responses with suggested tracked changes and a couple of comments for your consideration.

Can you confirm whether any further searches were undertaken at the review stage to identify any correspondence within the timescale of the request, but wasn't captured at the initial request stage. If so it would be advisable to add a line into your review response to confirm what additional searches were conducted. With reference to FOI/18/02164 Mr McEnaney mentions that the initial response only provided information from June 2016, but his request goes back to January 2016. If no further searches were carried out, or no further information was found, are you able to provide an explanation of why no information is held for the period January – June 2016 (for example were the people who were requested to search mailboxes actually in post during this period, etc)?

It would also be really helpful if you could make sure that records of any searches/copies of requests for colleagues to search their inboxes, etc are saved to the eRDM casefiles as these are likely to be required if this case goes to the appeal stage.

I realise that there are a significant amount of tracked changes to both documents, so I'd be happy to discuss further if there is anything that doesn't make sense or you don't agree with.

Kind regards  
[redacted]

[redacted] | Freedom of Information Unit | Scottish Government | 2W, St Andrew's House | Regent Road | Edinburgh | EH1 3DG | ☎ [redacted] (Ext) [redacted]

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

[redacted - not in scope]

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:35  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney  
**Attachments:** FOI-18-02164 - draft review tracked changes.doc; FOI-18-02165 - draft review tracked changes.doc

**From:** [redacted]  
**Sent:** 21 November 2018 12:31  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 -McEnaney

Hi [redacted]

I think the easiest thing here would be to accept all the changes in documents except the bits about the additional searches etc and leave them as tracked changes. Keep a copy of these as FOI advice for folder and send the new versions to [redacted] for response by Cop tomorrow. She didn't carry out additional searches but when I looked originally the PS/Ed folders [redacted] told me that originally they used to delete them after a certain time and only bits of relevant correspondence were kept in the official G Drive folders which I checked. I also think that perhaps it was cause some were to the actual mailbox and others to [redacted] or other general Spads from memory but she is welcome to conduct a search again as I stopped once we realised that the cost was going to be breached anyway (you can see where the PS/Ed folders start so all before were deleted).

[redacted]

[redacted - not in scope]

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:35  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

**From:** [redacted]  
**Sent:** 21 November 2018 13:22  
**To:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 -McEnaney

Nope –I thought these ones just went to FOI unit as they are reviews not additional info going out. Send to [redacted] and ask her to review and comment COP today and ask FOI unit if these need to go to SPADs after changes are made please !

[redacted]

**From:** [redacted]  
**Sent:** 21 November 2018 13:20  
**To:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 -McEnaney

The response is due to be issued 27 November, if [redacted] has until cop tomorrow do you think that will be enough time to go to SPADS and DFM?

[redacted – not in scope]

---

[redacted]

---

**From:** [redacted]  
**Sent:** 21 November 2018 15:24  
**To:** [redacted]  
**Subject:** RE: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney \*due cop today\*

No worries but it will need to be in the morning as I will be in office from about 6:45 but only until 1-2 ish [redacted – out of scope] TBH I have already spoken to her then she wrote different stuff ;-)

[redacted]

**From:** [redacted]  
**Sent:** 21 November 2018 15:20  
**To:** [redacted]  
**Subject:** FW: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 McEnaney \*due cop today\*

Hi [redacted] – [redacted] is going to speak to us tomorrow to go over this FOI response.

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 21 November 2018 15:14  
**To:** [redacted]  
**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>  
**Subject:** RE: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney \*due cop today\*

Hi [redacted]

That's fine, [redacted] and myself are both in the office tomorrow.

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 21 November 2018 14:56  
**To:** [redacted]  
**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>  
**Subject:** RE: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney \*due cop today\*

[redacted]

I'm in Optima tomorrow and would really like a chat with you and [redacted] to get this clear in my head before I finalise

Regards

[redacted]

---

[redacted] | Assistant Director Digital Services | [redacted] | [redacted]

---

**From:** [redacted]

**Sent:** 21 November 2018 14:14

**To:** [redacted]

**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>

**Subject:** For action: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney \*due cop today\*

**Importance:** High

Hello [redacted]

We have received the response below from the FOI unit. I have accepted the tracked changes on both of the documents. One comment was just that where the review request is lengthy we can provide a summary so I've just accepted this and removed the comment.

Grateful if you can consider their comments which they have put on the documents and update the response if required. [redacted] has advised regarding period January – June 2016 that: the PS/Ed folders originally they used to delete them after a certain time and only bits of relevant correspondence were kept in the official G Drive folders which I checked. I also think that perhaps it was cause some were to the actual mailbox and others to [redacted] or other general Spads from memory.

Can you please reply by **cop today**.

Thanks

[redacted]

[redacted – not in scope]

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland 11  
**Sent:** December 2018 12:33  
**To:** [redacted]  
**Subject:** FW: Re the earlier info from 2016 FOI

---

**From:** [redacted]  
**Sent:** 21 November 2018 15:35  
**To:** [redacted]  
**Subject:** Re the earlier info from 2016 FOI

Hi both

For info:

Please see attached emails relating to the search conducted that asked folks to look from 1/1/16 and the info from PS/Ed about the retention/managing the mailbox policy which covers the info from G Drive also.

Happy to discuss tomorrow morning if required.  
[redacted]

PS/Ed folders and G Drive search:



RE: \*FOR  
ACTION\* FOI/18...

Request to Search:



RE: FOI 18-01943  
James McEnane...

[redacted]

---

**From:** PS/Education Scotland  
**Sent:** 23 July 2018 14:43  
**To:** [redacted]  
**Subject:** RE: \*FOR ACTION\* FOI/18/01943-James McEnaney: DEADLINE 16/8/18

I don't think it was a 'retention' policy as such, just a process OCU put in place to manage the mailbox.

Regards.

---

[redacted] | Corporate Support Administrator | Education Scotland | Foghlam Alba

---

Tel: [redacted]

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Web: [www.education.gov.scot](http://www.education.gov.scot)

**From:** [redacted]  
**Sent:** 23 July 2018 14:42  
**To:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>  
**Subject:** RE: \*FOR ACTION\* FOI/18/01943-James McEnaney: DEADLINE 16/8/18

Yes – I did notice – went on a hunt for the ones in the G Drive, which I found but suspect they were also weeded (either that or we really didn't send much out of ES for approvals then!)

Thanks for letting me know about the older retention policy as I may need to use that in the response!

[redacted]

[redacted]  
Corporate Business Manager  
Mobile: [redacted]

---

**From:** PS/Education Scotland  
**Sent:** 23 July 2018 14:40  
**To:** [redacted]  
**Subject:** RE: \*FOR ACTION\* FOI/18/01943-James McEnaney: DEADLINE 16/8/18

Hi [redacted]

You will have noticed that we don't have FOI case folders in PS/ES for 2016. This is because we used to delete case folders every 3 months but stopped this when we were being asked questions/queries that went back some time. We don't delete case folders now.

Regards.

---

[redacted] Corporate Support Administrator | Education Scotland | Foghlam Alba

---

Tel: [redacted]

Address: Denholm House, Almondvale Way, Livingston EH54 6GA

Web: [www.education.gov.scot](http://www.education.gov.scot)

**From:** [redacted]

**Sent:** 23 July 2018 14:22

**To:** [redacted]

**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>

**Subject:** FW: \*FOR ACTION\* FOI/18/01943-James McEnaney: DEADLINE 16/8/18

Hi [redacted]

Last Wed we received this FOI which I discussed with [redacted]. As an initial trawl I located the number of folders we would need to check (200 FOI folders within the timeframe) and did an initial search of how many emails we may have in the PS/Ed FOI folders relating to this FOI. We had an initial 93 where Colin is mentioned by name (though most were not sent to him but to the FOI SPADs mailbox). We did this initial trawl to identify if we thought that this FOI would exceed the upper cost limit of £600 as we would also need ES staff to all search mailboxes for any correspondence to Colin and possibly FOI SPADs to search Colin's mailbox for anything?

[redacted] is on the sick today but I am working in Optima tomorrow and wondered if you would mind catch up with me for 15 mins to go over this FOI and provide advice on where we go with it now?

Kind regards  
[redacted]

[redacted]

Corporate Business Manager  
Official Correspondence Unit

---

**From:** PS/Education Scotland

**Sent:** 18 July 2018 14:31

**To:** [redacted]

**Cc:** [redacted]

**Subject:** \*FOR ACTION\* FOI/18/01943-James McEnaney: DEADLINE 16/8/18

Hi [redacted]

The attached link will take you to a new Freedom of Information request from James McEnaney, Lecturer and Journalist, grateful if you could provide a response. The target date for our response is 16 August 2018. An acknowledgement has been sent.

Many thanks / Mòran taing.

---

[redacted] | Corporate Support Administrator | Education Scotland | Foghlam Alba

---

[redacted]

---

**From:** [redacted]  
**Sent:** 25 July 2018 16:53  
**To:** [redacted]  
**Subject:** RE: FOI 18 01943 James McEnaney response due COP 30 July 2018

Cheers, [redacted]

[redacted]

---

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

---

**Tel:** [redacted]  
**Mob:** [redacted]  
**Address:** The Optima, 58 Robertson Street, Glasgow, G2 8DU

**Web:** <https://www.education.gov.scot/>

**From:** [redacted]  
**Sent:** 25 July 2018 13:29  
**To:** [redacted]  
**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>; [redacted]  
**Subject:** RE: FOI 18 01943 James McEnaney response due COP 30 July 2018

Sorry – should have stipulated that!  
Timeframe is from 1/1/16 until the date FOI received 18/7 /18.

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 25 July 2018 13:28  
**To:** [redacted]  
**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>; [redacted]  
**Subject:** RE: FOI 18 01943 James McEnaney response due COP 30 July 2018

Hi [redacted],

Is there timeframe for this or is it email up to and including today?

[redacted]

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

---

Tel: [redacted]  
Mob: [redacted]  
Address: The Optima, 58 Robertson Street, Glasgow, G2 8DU  
  
Web: <https://www.education.gov.scot/>

**From:** [redacted]  
**Sent:** 25 July 2018 10:03  
**To:** [redacted]  
**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>; [redacted]  
**Subject:** FOI 18 01943 James McEnaney response due COP 30 July 2018

Hello all

We have received an FOI from James McEnaney which asks for :

**all communication between Education Scotland staff and Colin McAllister in relation to Freedom of Information requests.**

Could you all conduct an urgent trawl of your inboxes and send any emails to and from yourself/Colin McAllister (SPADs) and send them to myself by COP Monday 30 July.

Apologies for the tight turnaround but as this is a sensitive issue it will require approvals and advice from SPADs and Ministers prior to release.

Please note we are looking for emails only relating to FOI and specifically addressed to and from Colin McAllister not general ones to mailboxes or to PS/Ed/Official Correspondence team relating to FOIs .

Please pass this email to any others you know may need to conduct the search also. -

Many thanks in anticipation of your assistance.

[redacted]

[redacted]  
Corporate Business Manager  
Official Correspondence Unit

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:33  
**To:** [redacted]  
**Subject:** FW: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney \*due cop today\*

**From:** [redacted]  
**Sent:** 22 November 2018 10:55  
**To:** [redacted]  
**Subject:** RE: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney \*due cop today\*

Great - thanks

Regards

[redacted]

---

[redacted] | Assistant Director Digital Services | [redacted] | [redacted]

---

**From:** [redacted]  
**Sent:** 22 November 2018 10:54  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 -McEnaney \*due cop today\*

Hi [redacted] –I've checked calendars and we are all available at noon –will we just pop down to your desk then so we can have a chat about these FOIs.

Thanks  
[redacted]

[redacted - not in scope]

---

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:32  
**To:** [redacted]  
**Subject:** FW: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney \*due cop today\*

**From:** [redacted]  
**Sent:** 22 November 2018 12:42  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>  
**Subject:** RE: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney \*due cop today\*

Thanks [redacted] , I'll get this sent back to the FOI unit.

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 22 November 2018 12:40  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>  
**Subject:** RE: For action: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney \*due cop today\*

[redacted]

I've added in some lines about the search. I haven't done any search myself but I have reviewed what was done and discussed the working practice with you and [redacted] I and am happy that the original search was thorough.

Regards

[redacted]

---

[redacted] | Assistant Director Digital Services | [redacted] | [redacted]

---

[redacted - not in scope]

---

---

[redacted]

---

**From:** [redact:ed] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:30  
**To:** [redact:ed]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

**From:** [redact:ed]  
**Sent:** 23 November 2018 10:26  
**To:** [redact:ed]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 McEnaney

Hi [redacted]

Can you get these to SPADs this morning and ask them to reply to PS/Ed today if possible ?  
That way Minister might get it today or first thing Monday for Tuesday reply ☺

Also when sending to SPADS can you then email Sarah/DFM PO and let them know that the FOI unit have just approved the reviews and said they need to go to SPADs and deadlines ! Just so the office is aware they are coming and why the time is tight !

[redacted]

**From:** [redact:ed]  
**Sent:** 23 November 2018 10:13  
**To:** [redact:ed]  
**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>; [redact:ed]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Hi [redacted]

I am broadly content with both of your responses, although for FOI/18/02165 I suggest that some of the wording under the section "Relevant Information" is deleted as it is not relevant to this request. Attached is a copy of my suggested tracked changes.

I think that this should go to SpAds for comment due to the nature of the information that is being provided in the letter.

Kind regards  
[redacted]

[redacted] | Freedom of Information Unit | Scottish Government | 2W, St Andrew's House | Regent Road | Edinburgh | EH1 3DG | ☎ [redacted] (Ext) [redacted]

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

**From:** [redacted]  
**Sent:** 22 November 2018 13:24  
**To:** [redacted]; [Freedom of Information <foi@gov.scot>](mailto:foi@gov.scot)  
**Cc:** PS/Education Scotland <[ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk)>; [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Hello [redacted]

Further to your comments below, I enclosed the updated responses for these FOIs.

Grateful if you can confirm whether these responses can now be issued or advise if they are also required to go to SpAds/Minister. The deadline for issuing these responses is 27 November.

Thanks  
[redacted]

[redacted -- not in scope]

[redacted]

[redacted]

---

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:26  
**To:** [redacted]  
**Subject:** FW: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

**From:** [redacted]  
**Sent:** 23 November 2018 10:45  
**To:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Check if FOI went to DFM if yes then likely the review will need to as well.  
[redacted]

**From:** [redacted]  
**Sent:** 23 November 2018 10:38  
**To:** [redacted]  
**Subject:** RE: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

Does it also need to go to DFM – the FOI unit just says SPADS since they are mentioned in the letter.

[redacted - not in scope]

-----

-----

-----

-----

-----

**[redacted]**

**From:** [redacted] on behalf of PS/Education Scotland  
**Sent:** 11 December 2018 12:21  
**To:** [redacted]  
**Subject:** FW: For info: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

[redacted - not in scope]

**From:** [redacted] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills  
**Sent:** 23 November 2018 11:19  
**To:** [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Minister for Children and Young People <MinisterCYP@gov.scot>

**Subject:** RE: For info: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney

[redacted]

DFM will be in India for this evening until 29 November. The FOI's will need to be sent to Ms Todd for clearance in DFM's absence.

Thanks

[redacted] \_\_\_\_\_

  
  

\_\_\_\_\_

[redacted] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T:[redacted] | E: [redacted]

*All e-mails and attachments sent by a Ministerial Private Office to any other 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 recipient. Private Offices do not keep official records of such e-mails or attachments.*

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

[redacted - not in scope]

[redacted]

---

**From:** [redacted]  
**Sent:** 06 December 2018 10:38  
**To:** [redacted]  
**Subject:** FW: For Urgent Approval: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney RESPONSE DUE 27 November 2018

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[redacted – not in scope]

---

**From:** [redacted] On Behalf Of PS/Education Scotland  
**Sent:** 26 November 2018 07:36  
**To:** FoI SpAds PO <FoI.SpAdsPO@gov.scot>; [redacted]  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; [redacted] McAllister C (Colin) <Colin.McAllister@gov.scot>  
**Subject:** FW: For Urgent Approval: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney RESPONSE DUE 27 November 2018  
**Importance:** High

Hi  
We appreciate this was only sent on Friday but we only received the FOI unit advise that this needed to go to SPADs on Friday morning when responses were completed. This is an urgent reminder that this FOI Review response is due out to Mr McEnaney by tomorrow. Could you please review urgently and advise if you have any comments/if this requires to go to Ms Todd (deputising for DFM) today or advise if we need to put a holding response to Mr McEnaney to his review requests?  
Kind Regards  
[redacted]

---

**From:** [redacted]  
**Sent:** 23 November 2018 11:07  
**To:** FoI SpAds PO <FoI.SpAdsPO@gov.scot>;  
**Cc:** PS/Education Scotland <ps/educationscotland@educationscotland.gsi.gov.uk>; [redacted] Gorman G (Gayle) <Gayle.Gorman@educationscotland.gsi.gov.uk>;

**Subject:** For Urgent Approval: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney  
**Importance:** High

Hello

Further to the email below from the FOI Unit, I enclosed the draft responses for these FOIs.

Correspondence from Mr McEnaney	 FOI - review requests
Response FOI/18/02164	 FOI-18-02164 - draft response ...
Response FOI/18/02165	 FOI-18-02165 - draft response ...
Revised redacted document	 FOI Review - FOI_18_02165 - J...

Can you please confirm whether you approve these responses.

Grateful for a response by **cop today** if possible as the deadline for issuing these FOIs is 27 November. Can you please include [ps/educationscotland@educationscotland.gsi.gov.uk](mailto:ps/educationscotland@educationscotland.gsi.gov.uk) in your reply as I'm out the office this afternoon.

Thanks  
[redacted]

[redacted - not in scope]

**[redacted]**

**From:** [redacted]  
**Sent:** 06 December 2018 10:37  
**To:** [redacted]  
**Subject:** FW: Information Request Tracker - review - 19 day reminder  
**Attachments:** qA808685.obr

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[redacted - not in scope]

**From:** [redacted]  
**Sent:** 26 November 2018 07:38  
**To:** [redacted]  
**Subject:** FW: Information Request Tracker - review - 19 day reminder

Hi [redacted]  
I sent an urgent reminder for these two to try to move it along as no responses received on Friday. Just trying to put it to the top of their email list and cover our backs as this will go to appeal if not out on time.  
[redacted]

**[redacted - not in scope]**

[redacted]

---

**From:** [redacted]  
**Sent:** 26 November 2018 12:14  
**To:** [redacted]  
**Subject:** RE: For Urgent Approval: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney RESPONSE DUE 27 November 2018

Davie Hutchinson – he's one of the spads. The other one I know now that Kate Higgins has moved desk.

[redacted]

---

**From:** [redacted]  
**Sent:** 26 November 2018 12:13  
**To:** [redacted]  
**Subject:** RE: For Urgent Approval: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney RESPONSE DUE 27 November 2018

Thanks [redacted] – can I check who Davie is first ☺ ?  
[redacted]

---

**From:** [redacted]  
**Sent:** 26 November 2018 12:12  
**To:** PS/Education Scotland <[ps@education.scotland.gsi.gov.uk](mailto:ps@education.scotland.gsi.gov.uk)>; [redacted]  
**Subject:** RE: For Urgent Approval: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney RESPONSE DUE 27 November 2018

Funnily enough, I was literally just checking my own records to see where this was up to.

My suggestion is to phone Colin or Davie and ask what they want to do.

No-one will want it to be late, and it sounds as if it's straightforward anyway.

Regards,

[redacted]

---

**From:** [redacted] **On Behalf Of** PS/Education Scotland  
**Sent:** 26 November 2018 12:09  
**To:** [redacted]  
**Subject:** FW: For Urgent Approval: FOI reviews: FOI/18/02164 & FOI/18/02165 - McEnaney RESPONSE DUE 27 November 2018

**Importance:** High

Hi [redacted]

Just to make you aware that these reviews are due out tomorrow and on Friday morning FOI unit advised that they were content but the reviews needed to go to SPADs for comment. This was done immediately and a response requested for that day by [redacted] , the reminder below sent this morning by myself but no responses received as yet.

I believe we are very likely to go to appeal if these reviews are not sent on time and the time lines of what went to folks and when will need to be included in that information which will make for more uncomfortable relationships.

Can you suggest anywhere else I could escalate this to in order for them to review and reply today? We aren't giving any additional information out as nothing else is available – simply giving a greater explanation and further apology so it shouldn't really be a contentious issue.

Regards  
[redacted]

[redacted - not in scope]

---

---