

[REDACTED]  
EFD: FOI Unit  
3 July 2019

Cabinet Secretary for Government Business and Constitutional Relations  
Minister for Parliamentary Business and Veterans

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**  
**APPEAL TO THE SCOTTISH INFORMATION COMMISSIONER BY [REDACTED]**  
**FURTHER RELEASE OF INFORMATION**

**Purpose**

1. To make you aware of a further disclosure of information to [REDACTED] in response to an FOI request.

**Priority**

2. Routine.

**Background**

3. In August 2018 [REDACTED] made an FOI request for “details of any briefings by civil servants or documents provided to ministers in 2017 or 2018 on the topic of a second independence referendum.” One document was disclosed in response to the original request.

4. Following a review, [REDACTED] appealed to the Scottish Information Commissioner in November 2018 and we made our final submissions in February 2019. At the same time, we disclosed (with redactions) seven documents that fell within the scope of the request.

5. In the course of finalising his Decision Notice, the Commissioner observed that we had withheld [REDACTED]. He queried [REDACTED] did not feature on the schedule of withheld information, and sought an explanation from us on 27 June 2019. He also indicated that, if [REDACTED] existed and was within scope, he would require a copy to enable him to conclude his investigation.

6. We asked colleagues to carry out further searches to clarify the position. As a result, colleagues identified that we hold a copy of [REDACTED] and an email from David Rogers to the First Minister dated 24 April 2017. The email forwarded [REDACTED] to the First Minister and a range of copy recipients. A copy is at **Annex A**.

7. As a result, we have concluded that both the email and [REDACTED] are within the scope of the request for information.

**Discussion**

8. [REDACTED].

9. [REDACTED].

10. [REDACTED].

[REDACTED]

11. [REDACTED].
12. [REDACTED].
13. [REDACTED].
14. [REDACTED].

**Recommendation**

15. You are invited to note the further disclosure of information (as set out in Annex B) to ■■■■■ in response to his FOI request.

[REDACTED]  
FOI Unit  
x [REDACTED]

**3 July 2019**

**OFFICIAL – SENSITIVE**

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
First Minister					X
Deputy First Minister and Cabinet Secretary for Education and Skills					X
Lord Advocate					X
Solicitor General					X

David Rogers  
 Penny Curtis  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 James Hynd  
 Alison Coull  
 [REDACTED]  
 Colin Troup  
 PS/SpAds  
 Corporate Communications  
 Colin McAllister  
 Stuart Nicolson

**Annex A – email from David Rogers to First Minister (unredacted)**

[REDACTED]

**Annex B – email from David Rogers to First Minister (redactions highlighted)**

[REDACTED]