

From: [Rogers D \(David\) \(Constitution and Cabinet Director\)](#)
To: [Curtis PS \(Penelope\)](#); [redacted s38(1)(b)]
Subject: RE: Speaking note
Date: 01 April 2020 14:48:52

Ok will do my amends to it now. Have been drafting stuff based on Ross Greer's tweets

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [redacted s38(1)(b)] E: david.rogers@gov.scot

From: Curtis PS (Penelope) <Penelope.Curtis@gov.scot>
Sent: 01 April 2020 14:41
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Subject: Speaking note

David

Updated speaking notes (tracks off). The rest of the P&E note has moved on since this version so ignore the rest.

[redacted s38(1)(b)] – so you can incorporate into the current version. P

From: [Rogers D \(David\)\(Constitution and Cabinet Director\)](#)
To: [redacted s38(1)(b)]; [Curtis PS \(Penelope\)](#)
Subject: Coronavirus (Scotland) Bill - briefing - Stage 2 - Amendment note - FOI provisions (v A 40284053) - speaking note amendments (005)
Date: 01 April 2020 15:34:09
Attachments: [Coronavirus \(Scotland\) Bill - briefing - Stage 2 - Amendment note - FOI provisions \(v A 40284053\) - speaking note amendments \(005\).docx](#)

From: [Rogers D \(David\)\(Constitution and Cabinet Director\)](#)
To: [Curtis PS \(Penelope\)](#); [redacted s38(1)(b)]
Subject: Coronavirus (Scotland) Bill - briefing - Stage 2 - Amendment note - FOI provisions (v A 40284053) - speaking note amendments (005)
Date: 01 April 2020 16:11:43
Attachments: [Coronavirus \(Scotland\) Bill - briefing - Stage 2 - Amendment note - FOI provisions \(v A 40284053\) - speaking note amendments \(005\).docx](#)

Here with [redacted s38(1)(b)] stuff worked in,

From: [Curtis PS \(Penelope\)](#)
To: [redacted s38(1)(b)]; [redacted s38(1)(b)]; [redacted s38(1)(b)]
Cc: [Rogers D \(David\) \(Constitution and Cabinet Director\)](#); [redacted s38(1)(b)]; [redacted s38(1)(b)]; [Brown JG \(Jonathan\) \(Parliamentary Counsel\)](#); [Minister for Parliamentary Business and Veterans](#); [Minister for Europe and International Development](#); [redacted s38(1)(b)]; [redacted s38(1)(b)]; [redacted s38(1)(b)]
Subject: FW: IMMEDIATE/URGENT - Coordination of the emergency Coronavirus (Scotland) Bill - Contact details for Wednesday (OFF/SEN)
Date: 01 April 2020 16:22:58
Attachments: [Coronavirus \(Scotland\) Bill - speaking note - FOI provisions.docx](#)

Bill Team

Given timings, here is the speaking note on the FOI grouping for printing. It's going in parallel to [redacted s30(c)], but [redacted s30(c)] has been involved in the workings. Penny

From: [Curtis PS \(Penelope\)](#)
To: [redacted s38(1)(b)]; [redacted s38(1)(b)]
Subject: RE: FOI Changes
Date: 02 April 2020 11:01:58

Thanks [redacted s38(1)(b)], that would be

incredibly helpful. P

Penny Curtis | Head of Elections and FOI Division | Directorate for Constitution and Cabinet | Scottish Government | 2W.02A | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | 0131 244 3531 | Mobile [redacted s38(1)(b)]

From: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Sent: 02 April 2020 11:01
To: Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>
Subject: FW: FOI Changes

Penny, [redacted s38(1)(b)]

Happy to help with this note requested by the Minister, once we have our heads around the detail of the changes.

In addition to this I would suggest I look at the following immediate priorities:

- **Saltire article** - to flag changes, ideally linked to guidance on Saltire FOI pages, but something quicker might help dispel any confusions and manage expectations. Ideally should also provide some explanation of implications for MiCase or say that we will provide a further update.
- **Email to OSIC** providing an update on our position so that they can start updating their guidance to public authorities in time for Royal assent? It occurs to me now that we might need to look at the s.60 Code to see if there's anything in there we should be reviewing on an interim basis. But I may be over thinking this!
- **Updated media lines** against enquiry and support in handling any further media interest.

In slightly slower time, I'd suggest we consider the following:

- **Gov.scot** 'Requesting information' page update – consistent with whatever we say in the Saltire guidance (without the parts only relevant internally). I think this could go after Royal assent.
- Letter/email to CFOIS setting out SG position and share copy of this (and/or our OSIC update) to Doreen Grove to inform her engagement with her open gov network..

Thanks

[redacted s38(1)(b)]

From: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot> **On Behalf Of** Minister for Parliamentary Business and Veterans

Sent: 02 April 2020 09:39

To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>; Veitch J (Jennifer) <[redacted s38(1)(b)]@gov.scot>

Cc: Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>

Subject: FOI Changes

Good Morning,

Mr Dey has asked if your team could put together a short summary on what the changes to FOI agreed yesterday mean, and who they will affect. He's looking to share this information with MSPs and Ministerial colleagues.

He's not looking for a full briefing – bullet points will be fine.

Many thanks,

[redacted s38(1)(b)]

[redacted s38(1)(b)] Deputy Private Secretary to Minister for Parliamentary Business and Veterans | T4.21, Scottish Parliament | 0131 244 8483 | [redacted s38(1)(b)]@gov.scot

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From: Curtis PS (Penelope) <Penelope.Curtis@gov.scot>
Sent: 02 April 2020 11:11
To: [redacted s38(1)(b)]< [redacted s38(1)(b)]@gov.scot>; [redacted s38(1)(b)] [redacted s38(1)(b)]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: RE: FOI - existing cases

Absolutely right!

Penny Curtis | Head of Elections and FOI Division | Directorate for Constitution and Cabinet | Scottish Government | 2W.02A | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | 0131 244 3531 | Mobile [redacted s38(1)(b)]

From: [redacted s38(1)(b)]< [\[redacted s38\(1\)\(b\)\]@gov.scot](mailto:[redacted s38(1)(b)]@gov.scot)>
Sent: 02 April 2020 11:09
To: [redacted s38(1)(b)]< [redacted s38(1)(b)]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>
Subject: RE: FOI - existing cases

Just to flag that we're thinking quite carefully about the messaging, both external and internal, that will go alongside this – especially given the tenor of the debate yesterday, and the Commissioner's briefing. We will have to be clear that the duty to respond promptly still applies, and that the Bill is there to give additional breathing space where "promptly" means more than 20 working days.

[redacted s38(1)(b)]

[redacted s38(1)(b)] | **Head of Policy and Casework | Freedom of Information Unit**

M: [redacted s38(1)(b)]

I am currently working from home, and can be contacted by email, Skype for Business, or on my mobile.

From: [redacted s38(1)(b)]< [redacted s38(1)(b)]@gov.scot>
Sent: 02 April 2020 11:04
To: [redacted s38(1)(b)]< [redacted s38(1)(b)]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>
Subject: RE: FOI - existing cases

Excellent news.

[redacted s38(1)(b)] | Coronavirus (Scotland) Bill coordination
[redacted s38(1)(b)]

From: [redacted s38(1)(b)]< [redacted s38(1)(b)]@gov.scot>
Sent: 02 April 2020 11:00
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [redacted s38(1)(b)]< [redacted s38(1)(b)]@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>
Subject: RE: FOI - existing cases

David,

The effect of the provisions should be as you intended – see the following exchange with [redacted s38(1)(b)] and [redacted s38(1)(b)] from the other day when we thought about the same point [redacted s36(1)]

Thanks,

[redacted s38(1)(b)]

[redacted s38(1)(b)] | **Head of Policy and Casework | Freedom of Information Unit**

M: [redacted s38(1)(b)]

I am currently working from home, and can be contacted by email, Skype for Business, or on my mobile.

From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Sent: 02 April 2020 10:48

To: [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>; [redacted s38(1)(b)] <[redacted s38(1)(b)]@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>

Subject: FOI - existing cases

A question to which I don't know the answer is what the effect of the bill relaxation is on existing cases.

The objective I had hoped to achieve was that, on commencement, a case (say) 5 days short of the deadline would become 45 days short. Otherwise we are not relieving pressures at a key time.

What is your understanding?

David Rogers

Director, Constitution and Cabinet | The Scottish Government | 4 N.04, St Andrew's House, Edinburgh, EH1 3DG | T: [redacted s38(1)(b)] | E: david.rogers@gov.scot