

FOI REQUEST: SUBMISSION FOR MINISTERIAL DECISION

FOI MiCase - Regarding the Covert Human Intelligence Sources (Criminal Conduct) Bill may you provide me with: *Any correspondence or discussions the Scottish Government has had with UK ministers regarding this.*

DOCUMENT 1 – NOTE OF DISCUSSION BETWEEN CABINET SECRETARY FOR JUSTICE AND MINISTER OF STATE FOR SECURITY, 22 JUNE 2020

Date: Mon, 22 Jun 2020 6:21:00 PM(UTC)
Sent: Mon, 22 Jun 2020 6:21:52 PM(UTC)
Subject: FEEDBACK: DISCUSSION WITH CSJ/JAMES BROKENSHERE
From: **Redacted**
To: **Redacted**

Redacted

CSJ:

We work constructively with UK bodies and seeking the same end so want to work together.

Lord Advocate highlights our separate legal jurisdictions, issues, but also some other shared issues such as oversight that will stretch over all jurisdictions

Redacted

JB:

Grateful for constructive and ongoing engagement and wrestling with a sensitive issue and he absolutely recognises the role of the Lord Advocate and hope to find a way forward.

Open to suggestions from us to secure agreement.

Redacted

Introduction now likely start of July and engagement with parliamentary colleagues this week.

Ministers tasked officials to discuss and find pragmatic solutions this week and Ministers to speak again later this week or early next (next Monday – preferred from CSJ).

CSJ

Believes that a reasonable way forward but greater degree of oversight may give Lord Advocate more comfort-he was not necessarily expecting all his concerns to result in amendment, but if defence an issue solutions around other concerns may help.

CSJ much rather have a UK approach, but grateful for more attention and focus on the LA concerns.

JB

Redacted

CSJ

Redacted

DOCUMENT 2 – NOTE OF DISCUSSION BETWEEN CABINET SECRETARY FOR JUSTICE AND MINISTER OF STATE FOR SECURITY, 23 JUNE 2020

Date: Tue, 23 Jun 2020 6:44:30 AM(UTC)

Sent: Tue, 23 Jun 2020 6:44:29 AM(UTC)

Subject: Phone call between CSJ and Security Minister - CHIS

From: **Redacted**

To: Nisbet H (Helen)<Helen.Nisbet@gov.scot>; Griffin J (Joe)Joe.Griffin@gov.scot

CC: **Redacted**

Moring Helen and Joe

Redacted and I dialled into the meeting last night between Mr Yousaf and Mr Brokenshire. This followed the issuing of the Lord Advocate's letter.

Redacted

Officials have been asked to look at the matter with a view to providing Home Office with suggestions.

A further call between Ministers will be scheduled for next week.

Redacted

DOCUMENT 3 – NOTE OF DISCUSSION BETWEEN CABINET SECRETARY FOR JUSTICE AND MINISTER OF STATE FOR SECURITY, 2 JULY 2020

From: Redacted

Sent: 02 July 2020 16:24

To: Cabinet Secretary for Justice <CabSecJustice@gov.scot>

Cc: Griffin J (Joe) <Joe.Griffin@gov.scot>; Nisbet H (Helen) <Helen.Nisbet@gov.scot>; **Redacted** French C (Craig) <Craig.French@gov.scot>;

Redacted

Subject: OFFICIAL SENSITIVE FILE NOTE: DISCUSSION BETWEEN CSJ AND MR BROKENSHERE

Redacted

Cabinet Secretary confirmed we are looking to have agreement on appropriate oversight, but if prior approval isn't provided we will hold that firm line and cannot recommend LCM consent.

Main Feedback Points from Mr Brokenshire:

Redacted

CSJ Response

CSJ thanked Mr Brokenshire and made 2 specific points:

Redacted

CSJ welcomed that offer, but made clear that the Lord Advocate would need to be assured there was a good degree of governance.

Next Steps:

Redacted

- That letter should issue today or tomorrow.

Redacted

Bill Introduction

Home Office still speaking to Parliamentary Business Managers about introduction.

Redacted

DOCUMENT 4 – NOTE OF DISCUSSION BETWEEN CABINET SECRETARY FOR JUSTICE AND MINISTER OF STATE FOR SECURITY, 19 AUGUST 2020

CHIS BILL: DISCUSSION WITH JAMES BROKENSHIRE 19 AUGUST: KEY POINTS

- James Brokenshire (JB) confirmed the Bill is likely to be introduced in first week in September.
- Both Ministers remain committed to finding a solution that would apply consistently across the UK basis. JB asked if anything else was needed to enhance the collaborative response and find a way through this.

Redacted

- JB asked if RIP(S)A provisions should be in the Bill. Officials will continue to liaise on that. JB appreciates collaborative and constructive approach and the shared endeavour to find a consistent arrangement.

- CSJ and JB agreed to speak again in late August and again before introduction of the Bill.

DOCUMENT 5 – NOTE OF DISCUSSION BETWEEN CABINET SECRETARY FOR JUSTICE AND MINISTER OF STATE FOR SECURITY, 10 NOVEMBER 2020

From: Redacted

Sent: 10 November 2020 07:10

To: Cabinet Secretary for Justice <CabSecJustice@gov.scot>

Cc: Nisbet H (Helen) <Helen.Nisbet@gov.scot>; Griffin J (Joe)

<Joe.Griffin@gov.scot>; **Redacted** French C (Craig) <Craig.French@gov.scot>;

Redacted

Subject: UK CHIS Bill - Note of telephone call - 9/11/20

NOTE OF TELEPHONE CALL BETWEEN CABINET SECRETARY FOR JUSTICE AND MINISTER FOR SECURITY

Mr Yousaf set out three main areas of concern:

- Difficulty in obtaining support for an LCM in Scottish Parliament
- Concerns that have been raised by the Lord Advocate, and wider concerns about ECHR, juveniles, Trade Unions and journalistic sources
- The 7-day notification period

Mr Brokenshire summarised where things currently lay and expects each of the issues to be debated during the Lords stage. He said that he understands the need for a contingency arrangement of a Scottish Bill but hopes that a 4-nations approach can still be found.

Action for officials:

- Tie down the critical dates around amendments by which decisions either way will require to be made

Redacted

DOCUMENT 6 – LETTER FROM MINISTER OF STATE FOR SECURITY TO CABINET SECRETARY FOR JUSTICE, 15 SEPTEMBER 2020



JB to CS 15
September.pdf

DOCUMENT 7 – LETTER FROM CABINET SECRETARY FOR JUSTICE TO MINISTER OF STATE FOR SECURITY, 25 SEPTEMBER 2020



CHIS Bill Letter to
James Brokenshire C

**DOCUMENT 8 - LETTER FROM CABINET SECRETARY FOR JUSTICE TO
MINISTER OF STATE FOR SECURITY, 28 OCTOBER 2020**



CSJ JB 28 October
Document 1 (002).pc