1. Email thread between case handler and FOI Unit discussing approach to response to 202100199466 (i)

From: REDACTED
Sent: 06 May 2021 13:20
To: REDACTED; REDACTED; REDACTED; Freedom of Information <foi@gov.scot>
Subject: RE: TRIAGE - FOI - James Hamilton's report - 202100199466

Thank you [REDACTED]

Yes, I agree this is for me. [REDACTED]/FOI colleagues – please assign to me.

[REDACTED]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [REDACTED]
Sent: 06 May 2021 12:17
To: [REDACTED]
Subject: FW: TRIAGE - FOI - James Hamilton's report - 202100199466

Hi [REDACTED],

In spite of the subject reference, I think this FOI relates to the same subject matter as the one you dealt with not very long ago, i.e. the complaint that was made to Perm Sec. I have deleted the emails we exchanged on that, so can't completely verify, but could you let me know if you agree?

If so, would you be content to take this one too? Questions 3 – 5 relate to an investigation into the civil service code; I am not fully up to speed on where this is at.

Happy to discuss.

Thank you.
[REDACTED]

[REDACTED]| Scottish Government | [REDACTED]

I work part time. My current hours are until 3:30, Mon to Thurs and 12:00 Friday. I can be reached on email or through skype messaging or skype call. Please note that my work number has not been re-directed.

Please consider the environment before printing this email

From: [Redacted]> **On Behalf Of** Freedom of Information
Sent: 06 May 2021 11:45
To: [Redacted}; [Redacted]
Cc: [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]
Subject: FW: TRIAGE - FOI - James Hamilton's report - 202100199466

Hi [Redacted], [Redacted]

Please see the FOI request below which I believe sits with OCT. Grateful if you can confirm who this should be assigned to?

Triage advice below.

The information request below has been assessed by the FOI Unit in line with Criteria for Decision-making agreed with the Scottish Information Commissioner. We consider this is a valid request for information and should be treated as a request under FOISA. **Please "Self Assign" the above case (202100199466) through Case Actions on MiCase remembering to send the requester a FOI specific acknowledgement. The response should be issued as promptly as possible and no later than 03/06/21.** Please complete all relevant paperwork as your case progresses, including the mandatory Statement of Compliance The Statement of Compliance list details of all items of information identified as being potentially within scope of the request and provide a summary of the decisions you have made as case handler. The Searches Template should also be used to record details of searches carried out.

We would assess this case as **sensitive**. You should ensure that officials of appropriate seniority in your business area are aware of the request, but a Ministerial decision will be required as a result of our assessment. You should therefore seek input from SPADS before making your final submission to your Minister.
You may find the Submissions templates here useful. Our assessment of sensitivity can change once full searches have been completed. At that point, if you do not consider this case to be sensitive, then please engage with me at the FOI Unit to help me reassess the case. You should also make your Comms team aware at this stage so that they can consider media handling in parallel with your handling of the request.

To ensure we can advise on cases as promptly as possible at this time we would ask you to first contact the FOI Unit by email via e-mail at foi@gov.scot if you have any questions.

Guidance is available on Saltire here: http://saltire/my-workplace/it-and-information-management/freedom-of-information/Pages/Freedom-of-Information-requests.aspx
Extensive guidance (including briefs on all exemptions/exceptions) is available on the Commissioners website here: www.itspublicknowledge.info
We have also archived all our SharePoint guidance so if anyone has any queries please contact foi@gov.scot. As always we are available for any advice and support.

Many thanks,

[Redacted]

[Redacted] | FOI Adviser | Scottish Government | [Redacted]

From: Central Enquiry Unit <CEU@gov.scot>
Sent: 06 May 2021 08:25
To: [Redacted]; [Redacted]
Cc: Freedom of Information <foi@gov.scot>
Subject: TRIAGE - FOI - C - James Hamilton's report - 202100199466

From: [Redacted]
Sent: 05 May 2021 17:42
To: Central Enquiry Unit <CEU@gov.scot>
Subject: FOI Request

Greetings,

My name is [Redacted] and I request the following information:

In Mr James Hamilton's report into the ministerial code (https://www.gov.scot/publications/independent-report-by-james-hamilton-on-the-first-ministers-self-referral-under-the-scottish-ministerial-code/), he concluded that the claim that the identity of one of the complainer's names was given to Mr Geoffery Aberdein was "credible". Subsequently, the FM said that a complaint has been made regarding this (https://www.herefordtimes.com/news/national/19179530.investigation-credible-claim-identity-salmond-complainer-leaked/). I request the following information:

1 - Is this complaint the same as the one made by Mr Alex Salmond (https://www.heraldscotland.com/news/19132039.alex-salmond-lodges-formal-complaint-alleged-leak-womans-name/) or a different one?

2 - Regardless, has the Permanent Secretary began her investigation into the alleged breaching of civil service rules?

3 - When will the Permanent Secretary conclude her investigation into the alleged breaching of civil service rules?

4 - Will the final report of this investigation be made public or at the least its findings made public?

An electronic copy is good for me. My thanks and kind regards,

[Redacted]

2. 1. Email thread between case handler and FOI Unit discussing approach to response to 202100199466 (ii)

From: [Redacted]
Sent: 17 May 16:10
To: [Redacted]; [Redacted]
Cc: [Redacted]; Henderson G (Gavin) <Gavin.Henderson@gov.scot>
Subject: RE: TRIAGE - FOI - James Hamilton's report - 202100199466 - FOI Unit advice

Hi [Redacted]

Thanks very much for this. My mistake – deadline is 3 June. (mixed myself up with another one that is due today but all sorted on that front).

I'll pick this back up tomorrow and come back to you once I've read through if that's ok.

Thanks again!
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [Redacted] I [Redacted] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]
Sent: 17 May 2021 11:38
To: Permanent Secretary <PermanentSecretary@gov.scot>
Cc: [Redacted]
Subject: RE: TRIAGE - FOI - James Hamilton's report - 202100199466 - FOI Unit advice

[Redacted],

Thanks for your email. [Redacted]

Happy to discuss – I note it's due today, and I should be free any time except between 2 and 3.

Thanks,

[Redacted]

[Redacted] | [Redacted] | Freedom of Information Unit

M: [Redacted]

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

I do not work on Fridays at present – please contact foi@gov.scot if you need assistance in my absence.

From: [Redacted] **On Behalf Of** Permanent Secretary
Sent: 16 May 2021 07:20

To: [Redacted]
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: FW: TRIAGE - FOI - James Hamilton's report - 202100199466

Hi [Redacted]

Hope you're well.

[Redacted]

Case is due 17 May so any quick views appreciated – though obviously the delay is at my door so I understand if this isn't top of your list.

Many thanks,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [REDACTED]> **On Behalf Of** Freedom of Information
Sent: 06 May 2021 11:45
To: [Redacted]; [Redacted]
Cc: [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted];]
Subject: FW: TRIAGE - FOI - James Hamilton's report - 202100199466

Hi {redacted], [Redacted]

Please see the FOI request below which I believe sits with OCT. Grateful if you can confirm who this should be assigned to?

Triage advice below.

The information request below has been assessed by the FOI Unit in line with Criteria for Decision-making agreed with the Scottish Information Commissioner. We consider this is a valid request for information and should be treated as a request under FOISA. **Please "Self Assign" the above case (202100199466) through Case Actions on MiCase remembering to send the requester a FOI specific acknowledgement. The response should be issued as promptly as possible and no later than 03/06/21.** Please complete all relevant paperwork as your case progresses, including the mandatory Statement of Compliance The Statement of Compliance list details of all items of information identified as being potentially within scope of the request and provide a summary of the decisions you have made as case handler. The Searches Template should also be used to record details of searches carried out.

We would assess this case as **sensitive**. You should ensure that officials of appropriate seniority in your business area are aware of the request, but a Ministerial decision will be required as a result of our assessment. You should therefore seek input from SPADS before making your final submission to your Minister.
You may find the Submissions templates here useful. Our assessment of sensitivity can change once full searches have been completed. At that point, if you do not consider this case to be sensitive, then

please engage with me at the FOI Unit to help me reassess the case. You should also make your Comms team aware at this stage so that they can consider media handling in parallel with your handling of the request.

To ensure we can advise on cases as promptly as possible at this time we would ask you to first contact the FOI Unit by email via e-mail at foi@gov.scot if you have any questions.

Guidance is available on Saltire here: http://saltire/my-workplace/it-and-information-management/freedom-of-information/Pages/Freedom-of-Information-requests.aspx
Extensive guidance (including briefs on all exemptions/exceptions) is available on the Commissioners website here: www.itspublicknowledge.info
We have also archived all our SharePoint guidance so if anyone has any queries please contact foi@gov.scot. As always we are available for any advice and support.

Many thanks,

[Redacted]

[Redacted] | FOI Adviser | Scottish Government | [Redacted]

From: Central Enquiry Unit <CEU@gov.scot>
Sent: 06 May 2021 08:25
To: [Redacted]; [Redacted]
Cc: Freedom of Information <foi@gov.scot>
Subject: TRIAGE - FOI - C - James Hamilton's report - 202100199466

From: [Redacted]
Sent: 05 May 2021 17:42
To: Central Enquiry Unit <CEU@gov.scot>
Subject: FOI Request

Greetings,
My name is [Redacted] and I request the following information:

In Mr James Hamilton's report into the ministerial code (https://www.gov.scot/publications/independent-report-by-james-hamilton-on-the-first-ministers-self-referral-under-the-scottish-ministerial-code/), he concluded that the claim that the identity of one of the complainer's names was given to Mr Geoffery Aberdein was "credible". Subsequently, the FM said that a complaint has been made regarding this (https://www.herefordtimes.com/news/national/19179530.investigation-credible-claim-identity-salmond-complainer-leaked/). I request the following information:

1 - Is this complaint the same as the one made by Mr Alex Salmond (https://www.heraldscotland.com/news/19132039.alex-salmond-lodges-formal-complaint-alleged-leak-womans-name/) or a different one?

2 - Regardless, has the Permanent Secretary began her investigation into the alleged breaching of civil service rules?

3 - When will the Permanent Secretary conclude her investigation into the alleged breaching of civil service rules?

4 - Will the final report of this investigation be made public or at the least its findings made public?

An electronic copy is good for me. My thanks and kind regards,

[Redacted]

3. Email thread between case handler and FOI Unit discussing approach to response to 202100199466 (iii)

From: [Redacted]
Sent: 06 June 2021 17:57
To: [Redacted]; [Redacted]
Cc: [Redacted]; Henderson G (Gavin) <Gavin.Henderson@gov.scot>
Subject: RE: TRIAGE - FOI - James Hamilton's report - 202100199466 - FOI Unit advice

Thanks [Redacted]

[Redacted] – do you know which spad is clearing these FOIs in Colin's absence whilst he is on leave?

Thanks,
[Redacted]

From: [Redacted]>
Sent: 06 June 2021 17:32
To: [Redacted]; [Redacted]
Cc: [Redacted]; Henderson G (Gavin) <Gavin.Henderson@gov.scot>
Subject: RE: TRIAGE - FOI - James Hamilton's report - 202100199466 - FOI Unit advice

[Redacted]

[Redacted] is on leave next week (and I understand Colin is too) but I can confirm that your response looks fine.

[Redacted]
Sent with BlackBerry: [Redacted]

From: [Redacted]
Sent: 6 Jun 2021 15:08
To: [Redacted]
Cc: [Redacted]; [Redacted]; "Henderson G (Gavin)" <Gavin.Henderson@gov.scot>
Subject: RE: TRIAGE - FOI - James Hamilton's report - 202100199466 - FOI Unit advice

Hi [Redacted]

Thank you again for the very helpful and comprehensive advice below. I'm afraid other business rather took over so I'm only returning to this now.

I've considered your note below, and attach a draft reply taking this into account. I'd be grateful for your review and any further comments please. The case is now overdue so I'm keen to issue as soon as we can – but appreciate it was my delay so grateful for thoughts when you can. It might be helpful to discuss – I'm technically on leave Mon and Tues but will be online for an hour or so from 330 – 5ish on Monday for other matters so if you happen to be free at any point then let me know.

[Redacted]. I'm copying colleagues in OCT now for ease.

Thank you again,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]
Sent: 17 May 2021 11:38
To: Permanent Secretary <PermanentSecretary@gov.scot>
Cc: [Redacted]
Subject: RE: TRIAGE - FOI - James Hamilton's report - 202100199466 - FOI Unit advice

[Redacted],

Thanks for your email. [Redacted]

Happy to discuss – I note it's due today, and I should be free any time except between 2 and 3.

Thanks,

[Redacted]

[Redacted] | [Redacted] | Freedom of Information Unit

M: [Redacted]

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

I do not work on Fridays at present – please contact foi@gov.scot if you need assistance in my absence.

From: [Redacted] **On Behalf Of** Permanent Secretary
Sent: 16 May 2021 07:20
To: [Redacted]
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: FW: TRIAGE - FOI - James Hamilton's report - 202100199466

Hi [Redacted]

Hope you're well.

[Redacted]

Case is due 17 May so any quick views appreciated – though obviously the delay is at my door so I understand if this isn't top of your list.

Many thanks,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]> **On Behalf Of** Freedom of Information
Sent: 06 May 2021 11:45
To: [Redacted]; [Redacted]
Cc: Redacted]; [Redacted]; Redacted]; [Redacted]; Redacted];
Subject: FW: TRIAGE - FOI - James Hamilton's report - 202100199466

Hi [Redacted], [Redacted]

Please see the FOI request below which I believe sits with OCT. Grateful if you can confirm who this should be assigned to?

Triage advice below.

The information request below has been assessed by the FOI Unit in line with Criteria for Decision-making agreed with the Scottish Information Commissioner. We consider this is a valid request for information and should be treated as a request under FOISA. **Please "Self Assign" the above case (202100199466) through Case Actions on MiCase remembering to send the requester a FOI specific acknowledgement. The response should be issued as promptly as possible and no later than 03/06/21.** Please complete all relevant paperwork as your case progresses, including the mandatory Statement of Compliance The Statement of Compliance list details of all items of information identified as being potentially within scope of the request and provide a summary of the decisions you have made as case handler. The Searches Template should also be used to record details of searches carried out.

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We have also archived all our SharePoint guidance so if anyone has any queries please contact foi@gov.scot. As always we are available for any advice and support.

Many thanks,

[Redacted]

[Redacted] | FOI Adviser | Scottish Government | [Redacted]

From: Central Enquiry Unit <CEU@gov.scot>
Sent: 06 May 2021 08:25
To: Redacted]; [Redacted]
Cc: Freedom of Information <foi@gov.scot>
Subject: TRIAGE - FOI - C - James Hamilton's report - 202100199466

From: [Redacted]
Sent: 05 May 2021 17:42
To: Central Enquiry Unit <CEU@gov.scot>
Subject: FOI Request

Greetings,
My name is [Redacted] and I request the following information:

In Mr James Hamilton's report into the ministerial code (https://www.gov.scot/publications/independent-report-by-james-hamilton-on-the-first-ministers-self-referral-under-the-scottish-ministerial-code/), he concluded that the claim that the identity of one of the complainer's names was given to Mr Geoffery Aberdein was "credible". Subsequently, the FM said that a complaint has been made regarding this (https://www.herefordtimes.com/news/national/19179530.investigation-credible-claim-identity-salmond-complainer-leaked/). I request the following information:

1 - Is this complaint the same as the one made by Mr Alex Salmond (https://www.heraldscotland.com/news/19132039.alex-salmond-lodges-formal-complaint-alleged-leak-womans-name/) or a different one?

2 - Regardless, has the Permanent Secretary began her investigation into the alleged breaching of civil service rules?

3 - When will the Permanent Secretary conclude her investigation into the alleged breaching of civil service rules?

4 - Will the final report of this investigation be made public or at the least its findings made public?

An electronic copy is good for me. My thanks and kind regards,

[Redacted]

4. **Draft response as issued to FOI Unit for advice in email of 6 June, 15:08**

Directorate for communications, ministerial support and workplace Directorate
Executive Team Support Division

Scottish Government
Riaghaltas na h-Alba
gov.scot

T: [redacted]
E: [redacted]

[Redacted]
Sent via email - [Redacted]

X June 2021

Dear [Redacted]

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 5th May 2021 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for:

'In Mr James Hamilton's report into the ministerial code (https://www.gov.scot/publications/independent-report-by-james-hamilton-on-the-first-ministers-self-referral-under-the-scottish-ministerial-code/), he concluded that the claim that the identity of one of the complainer's names was given to Mr Geoffery Aberdein was "credible". Subsequently, the FM said that a complaint has been made regarding this (https://www.herefordtimes.com/news/national/19179530.investigation-credible-claim-identity-salmond-complainer-leaked/). I request the following information:

1 - Is this complaint the same as the one made by Mr Alex Salmond (https://www.heraldscotland.com/news/19132039.alex-salmond-lodges-formal-complaint-alleged-leak-womans-name/) or a different one?

2 - Regardless, has the Permanent Secretary began her investigation into the alleged breaching of civil service rules?

3 - When will the Permanent Secretary conclude her investigation into the alleged breaching of civil service rules?

4 - Will the final report of this investigation be made public or at the least its findings made public?'

Response to your request

Please accept my apologies for the delay in issuing this response.

With respect to your first question (Is this complaint the same as the one made by Mr Alex Salmond (https://www.heraldscotland.com/news/19132039.alex-salmond-lodges-formal-complaint-alleged-leak-womans-name/) or a different one?), I can confirm that this is the same complaint.

With respect to your second question (Regardless, has the Permanent Secretary began her investigation into the alleged breaching of civil service rules?), I can confirm that this work has commenced.

With respect to your third and fourth questions (When will the Permanent Secretary conclude her investigation into the alleged breaching of civil service rules?; Will the final report of this investigation be made public or at the least its findings made public?') this is a formal notice under section 17(1) of FOISA that the Scottish Government does not have the information you have requested. This is because the investigation is ongoing and has no fixed end date and we do not hold any information as to whether the final report or findings will be made public.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to:

Director of Communications & Ministerial Support - DirectorCMS@gov.scot

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx.

Yours sincerely

[Redacted]
[Redacted]

5. FOI response - 202100199466 - [Redacted] **- 202100216582 - review of failure to respond - FOI Unit comments and reassessment of sensitivity**

From: [Redacted]
Sent: 24 June 2021 20:42
To: [Redacted]
Subject: FW: FOI response - 202100199466 - [Redacted] - 202100216582 - review of failure to respond - FOI Unit comments and reassessment of sensitivity

Hello there

For your awareness, case (and review) completed and issued. See also for reference my exchange with [Redacted] regarding sensitivity and clearance.

Many thanks,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted] **On Behalf Of** Permanent Secretary
Sent: 24 June 2021 20:40
To: [Redacted] Permanent Secretary <PermanentSecretary@gov.scot>
Cc: Freedom of Information <foi@gov.scot>
Subject: RE: FOI response - 202100199466 - [Redacted] - 202100216582 - review of failure to respond - FOI Unit comments and reassessment of sensitivity

Many thanks [Redacted]

Response now issued via Micase and initial response also now closed.

Many thanks,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]
Sent: 24 June 2021 16:42
To: Permanent Secretary <PermanentSecretary@gov.scot>
Cc: Freedom of Information <foi@gov.scot>
Subject: RE: FOI response - 202100199466 - [Redacted] - 202100216582 - review of failure to respond - FOI Unit comments and reassessment of sensitivity

[Redacted],

Many thanks for the revised draft. I'd suggest that we should omit the heading "Your right to request a review" (or you could change it to "Your right to appeal to the Scottish Information Commissioner") but otherwise I have no comments and I'm content to clear on behalf of the Unit.

[Redacted]

As this is a review of failure to respond, the response should be issued via MiCase using the review case (202100216582). Once that has been done, there's a workaround you need to use to close the initial response (202100199466) to keep your stats straight (and stop you getting reminders about it!). You go to the initial case, select "edit case" from the Case Actions menu and add a dummy postal address (e.g. SAH). You then create a draft reply (which could simply say that the response has been issued as a review of failure to respond under 202100216582). When you go to complete the response, you choose the option to issue by post rather than by email, which gives you the option to print the letter (obviously you don't need to). If you have any difficulty with the workaround, please let us know and one of the team will walk you through it.

Happy to discuss.

[Redacted]

[Redacted] | [Redacted] | Freedom of Information Unit

M: [Redacted]

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

I do not work on Fridays at present – please contact foi@gov.scot if you need assistance in my absence.

From: [Redacted}> **On Behalf Of** Permanent Secretary
Sent: 24 June 2021 10:21
To: [Redacted]
Cc: Freedom of Information <foi@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: FOI response - 202100199466 - [Redacted] - 202100216582 - review of failure to respond - FOI Unit comments
Importance: High

Hi [Redacted]

Thank you very much, that is all really helpful.

I've completed the converted response and attach a draft here for your review/clearance. I'm going on leave tomorrow, Friday 25th, so would be really helpful if we could get this out before then.

[Redacted]

Thanks,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]
Sent: 22 June 2021 16:58
To: Permanent Secretary <PermanentSecretary@gov.scot>
Cc: Freedom of Information <foi@gov.scot>
Subject: RE: FOI response - 202100199466 - [Redacted] - 202100216582 - review of failure to respond - FOI Unit comments

[Redacted],

[Redacted] email means this has become a review of failure to respond so I've set up the new review on MiCase and assigned it to you, as reviews of failure to respond are carried out by the original casehandler. I suspect it went to David because the majority of [Redacted] requests are dealt with by our directorate, so he'll be familiar with reviews going to him.

In practical terms, this means that we need to convert your response into a combined response (there is a specific template for this – [redacted]. This should be relatively straightforward, and should include an apology and brief explanation for the delay. Review responses need to be cleared by the FOI Unit, so if you could forward a copy once you've converted it we'll deal with that as quickly as possible for you.

[Redacted]

Happy to discuss.
[Redacted]

[Redacted] | [Redacted] | Freedom of Information Unit

M: [Redacted]

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

I do not work on Fridays at present – please contact foi@gov.scot if you need assistance in my absence.

From: [Redacted] **On Behalf Of** Permanent Secretary
Sent: 22 June 2021 15:35
To: [Redacted]
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: FW: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi [Redacted]

Grateful for your advice please.

You might recall this FOI from [Redacted] . Spads have – today – cleared it to issue, but in the interim [Redacted] wrote again yesterday requesting a review into the delay.

Can I write back to him as drafted, with inclusion of a line or two apologising again for the delay and explaining why, and then going on to provide the response? Or do I need to separately formalise his request for a review (at the minute it has gone to David Rogers, for no reason I can understand!)

Thanks
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: McAllister C (Colin) <Colin.McAllister@gov.scot>
Sent: 22 June 2021 10:34
To: Permanent Secretary <PermanentSecretary@gov.scot>
Cc: Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [Redacted]; [Redacted]; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Helen

I am content with the response.

Regards

Colin McAllister
[Redacted]
[Redacted]

gov.scot

Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot.

From: [Redacted]> **On Behalf Of** Permanent Secretary
Sent: 21 June 2021 16:16
To: McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [Redacted]; [Redacted] Permanent

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Secretary <PermanentSecretary@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi Colin

[Redacted] has today written seeking a 'review' into the delay on this response (attached). I don't know that he can technically request a review of process/delay under FOI as opposed to a review of content of a response he is unhappy with, so it may be that we can square this off by issuing the response. It would be useful to get a sense of whether you think it's going to be possible to do that either today or tomorrow, or whether we should go back to [Redacted] with a more substantive note setting out a likely timescale for him to receive a response? Should that be the case, I'll liaise with FOI colleagues to agree an appropriate form of words – but useful to know if you think we might be in a position to issue a reply quickly which may alleviate the need to do that.

Thank you,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]> **On Behalf Of** Permanent Secretary
Sent: 20 June 2021 20:57
To: McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [Redacted]; [Redacted]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Here you go

Thanks
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: McAllister C (Colin) <Colin.McAllister@gov.scot>
Sent: 20 June 2021 09:09
To: Permanent Secretary <PermanentSecretary@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [Redacted]; [Redacted]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Can I be sent the draft response please? Ta

Regards

Colin McAllister
[Redacted]
[Redacted]

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From: [Redacted] **On Behalf Of** Permanent Secretary
Sent: 15 June 2021 15:36
To: Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [Redacted]; [Redacted]; Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Davie

To be aware that [Redacted] is now calling daily chasing on this, so any steer would be much appreciated.

I've added Colin back in now he is back though conscious he will have other priorities today.

Thank you,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

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www.gov.scot

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From: [Redacted]
Sent: 10 June 2021 14:58
To: Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [Redacted]; [Redacted]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi Davie

Sorry to chase, wondering if you've had chance to look at this as yet. The requester is also in touch (attached) seeking confirmation of when we will be in a position to respond. I wondered if we might be in a position to confirm it will be this week, or if that's unlikely?

Many thanks,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacte]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]
Sent: 08 June 2021 10:49
To: Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@transport.gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [Redacted]; [Redacted]
Subject: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi Davie

As discussed, grateful for your review of attached response to FOI from [Redacted] . This case is overdue.

Grateful for advice as to whether you are content for this to issue on spad clearance or if Ministerial clearance should be sought.

If you require any further or background information please let me know – happy to speak.

Many thanks,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

6. Exchanges case handler and Director Communications and Ministerial Support office

From: [Redacted]
Sent: 25 June 2021 18:16
To: Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [Redacted]
Cc: [Redacted]; [Redacted]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Thanks for the update [Redacted]

[Redacted], [Redacted], to note should there be any questions from the FoI unit.

Thanks
[Redacted]

[Redacted] | [Redacted]
Scottish Government | Directorate for Communications and Ministerial Support

Mobile: [Redacted] | email: [Redacted]

From: [Redacted]
Sent: 24 June 2021 21.04
To: Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [Redacted]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi [Redacted], Andy

For completeness, to note that before the response issued, [Redacted] wrote again requesting a review into the reason for the delay in responding to his initial request. Reviews of that nature are carried out by the original case handler. I completed that and issued today, along with the response to [Redacted] original request, incorporated into a single return. That is attached for your reference – to note, because this issued as a response to a review, [Redacted] recourse if requesting any further review is not to the Director of Comms and Ministerial support, it is to the Scottish Information Commissioner.

Thanks,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
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I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]
Sent: 11 June 2021 16:34
To: Director of Communications, Ministerial Support <DirectorCMS@gov.scot>

Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Bruce A (Andrew) <Andrew.Bruce@gov.scot>;[Redacted]; [Redacted]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi [Redacted]

Afraid not, still waiting for spads to come back to me.

[Redacted]

From: [Redacted]> **On Behalf Of** Director of Communications, Ministerial Support
Sent: 11 June 2021 16:31
To: [Redacted]
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [Redacted]; [Redacted]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi [Redacted]

I wondered whether there's any update on this response.

Thanks
[Redacted]

[Redacted] | [Redacted]
Scottish Government | Directorate for Communications and Ministerial Support
Mobile: [Redacted] | email:[redacted]

From: [Redacted]**Sent:** 10 June 2021 14:58
To: Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [Redacted]; [Redacted]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi Davie

Sorry to chase, wondering if you've had chance to look at this as yet. The requester is also in touch (attached) seeking confirmation of when we will be in a position to respond. I wondered if we might be in a position to confirm it will be this week, or if that's unlikely?

Many thanks,
[Redacted]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I[Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]
Sent: 08 June 2021 10:49
To: Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@transport.gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [Redacted]; [Redacted]
Subject: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi Davie

As discussed, grateful for your review of attached response to FOI from [Redacted]
This case is overdue.

Grateful for advice as to whether you are content for this to issue on spad clearance or if Ministerial clearance should be sought.

If you require any further or background information please let me know – happy to speak.

Many thanks,
[REDACTED]

REDACTED I REDACTED I Permanent Secretary's Office I Redacted I REDACTED I [Redacted]
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I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

7. Exchanges with special advisors

From: McAllister C (Colin) <Colin.McAllister@gov.scot>
Sent: 22 June 2021 10:34
To: Permanent Secretary <PermanentSecretary@gov.scot>
Cc: Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [REDACTED]; [REDACTED]; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

[REDACTED]

I am content with the response.

Regards

Colin McAllister
[REDACTED]

gov.scot

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From: [REDACTED]> **On Behalf Of** Permanent Secretary
Sent: 21 June 2021 16:16
To: McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: Bruce A (Andrew) <Andrew.Bruce@gov.scot>; [REDACTED]; [REDACTED] Permanent Secretary <PermanentSecretary@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi Colin

[Redacted] has today written seeking a 'review' into the delay on this response (attached). I don't know that he can technically request a review of process/delay under FOI as opposed to a review of content of a response he is unhappy with, so it may be that we can square this off by issuing the response. It would be useful to get a sense of whether you think it's going to be possible to do that either today or tomorrow, or whether we should go back to [Redacted] with a more substantive note setting out a likely timescale for him to receive a response? Should that be the case, I'll liaise with FOI colleagues to agree an appropriate form of words – but useful to know if you think we might be in a position to issue a reply quickly which may alleviate the need to do that.

Thank you,
[REDACTED]

REDACTED I REDACTED I Permanent Secretary's Office I Redacted I REDACTED I [Redacted]

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I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [REDACTED]> **On Behalf Of** Permanent Secretary
Sent: 20 June 2021 20:57
To: McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [REDACTED]; [REDACTED]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Here you go

Thanks
[REDACTED]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
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From: McAllister C (Colin) <Colin.McAllister@gov.scot>
Sent: 20 June 2021 09:09
To: Permanent Secretary <PermanentSecretary@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [REDACTED]; [REDACTED]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Can I be sent the draft response please? Ta

Regards

Colin McAllister
[REDACTED]

gov.scot

St. Andrews House, Edinburgh EH1 3DG
www.gov.scot

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From: [REDACTED] **On Behalf Of** Permanent Secretary
Sent: 15 June 2021 15:36
To: Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [REDACTED]; [REDACTED]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Davie

To be aware that [Redacted] is now calling daily chasing on this, so any steer would be much appreciated.

I've added Colin back in now he is back though conscious he will have other priorities today.

Thank you,
[REDACTED]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
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I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]
Sent: 10 June 2021 14:58
To: Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [REDACTED]; [REDACTED]
Subject: RE: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi Davie

Sorry to chase, wondering if you've had chance to look at this as yet. The requester is also in touch (attached) seeking confirmation of when we will be in a position to respond. I wondered if we might be in a position to confirm it will be this week, or if that's unlikely?

Many thanks,
[REDACTED]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [REDACTED]
Sent: 08 June 2021 10:49
To: Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>
Cc: Rennie M (Michelle) <Michelle.Rennie@transport.gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [REDACTED]; [REDACTED]
Subject: FOI response - 202100199466 - [Redacted] - for spad clearance

Hi Davie

As discussed, grateful for your review of attached response to FOI from [Redacted]
This case is overdue.

Grateful for advice as to whether you are content for this to issue on spad clearance or if Ministerial clearance should be sought.

If you require any further or background information please let me know – happy to speak.

Many thanks,
[REDACTED]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

8. Exchanges with special advisors – draft response as provided/referred to in exchanges

Directorate for communications, ministerial support and workplace Directorate
Executive Team Support Division

Scottish Government
Riaghaltas na h-Alba
gov.scot

T: [REDACTED]
E: [REDACTED]

[Redacted]
Sent via email - [Redacted]

X June 2021

Dear [Redacted]

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 5th May 2021 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for:

'In Mr James Hamilton's report into the ministerial code (https://www.gov.scot/publications/independent-report-by-james-hamilton-on-the-first-ministers-self-referral-under-the-scottish-ministerial-code/), he concluded that the claim that the identity of one of the complainer's names was given to Mr Geoffery Aberdein was "credible". Subsequently, the FM said that a complaint has been made regarding this (https://www.herefordtimes.com/news/national/19179530.investigation-credible-claim-identity-salmond-complainer-leaked/). I request the following information:

1 - Is this complaint the same as the one made by Mr Alex Salmond (https://www.heraldscotland.com/news/19132039.alex-salmond-lodges-formal-complaint-alleged-leak-womans-name/) or a different one?

2 - Regardless, has the Permanent Secretary began her investigation into the alleged breaching of civil service rules?

3 - When will the Permanent Secretary conclude her investigation into the alleged breaching of civil service rules?

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4 - Will the final report of this investigation be made public or at the least its findings made public?'

Response to your request

Please accept my apologies for the delay in issuing this response.

With respect to your first question (Is this complaint the same as the one made by Mr Alex Salmond (https://www.heraldscotland.com/news/19132039.alex-salmond-lodges-formal-complaint-alleged-leak-womans-name/) or a different one?), I can confirm that this is the same complaint.

With respect to your second question (Regardless, has the Permanent Secretary began her investigation into the alleged breaching of civil service rules?), I can confirm that this work has commenced.

With respect to your third and fourth questions (When will the Permanent Secretary conclude her investigation into the alleged breaching of civil service rules?; Will the final report of this investigation be made public or at the least its findings made public?') this is a formal notice under section 17(1) of FOISA that the Scottish Government does not have the information you have requested. This is because the investigation is ongoing and has no fixed end date and we do not hold any information as to whether the final report or findings will be made public.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to:

Director of Communications & Ministerial Support - DirectorCMS@gov.scot

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx.

Yours sincerely

[REDACTED]
[Redacted]

9. Exchange with David Rogers' office on CHASER from requester

From: [REDACTED]
Sent: 21 June 2021 12:27
To: [REDACTED]
Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: Fwd: FOI - C - James Hamilton's report - [Redacted] - 202100199466 - CHASER

Hi [REDACTED]

As discussed, grateful if you could arrange to take this forward please.

Thanks
[REDACTED]

[REDACTED] / Business Manager / Constitution and Cabinet Directorate / [Redacted]

From: [Redacted]
Sent: 21 June 2021 11:02
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Subject: Fwd: FOI - C - James Hamilton's report - [Redacted] - 202100199466 - CHASER

To Mr Rogers,

Greetings, I am emailing you to ask whether you can carry out an internal review on an FOI request which I sent to the Scottish Government more than 30 working days (5th of May 2021) ago yet have received no response. I have tried emailing them (below) and have also tried phoning in order to find out what has happened to the request.

On the phone all last week, I was told that the response was still in "draft form", this is completely unacceptable considering that then just like now 20 working days has passed. I am willing to be flexible for a few days, as previous FOIs have been returned slightly over the threshold but I don't believe this applies in this case.

The original FOI is at the bottom of these forwarded emails that I have attached, and for completeness the reference number is 202100199466.

My thanks for any assistance you can provide. My thanks and kind regards,

[Redacted]

Begin forwarded message:

From: [Redacted]
Date: 10/06/2021 [
To: ceu@gov.scot
Subject: Fwd: FOI - C - James Hamilton's report - [Redacted] **- 202100199466 - CHASER**

Greetings,

It has now been 25 working days since I submitted an FOI (see below) and I have yet to receive a response. [Redacted] said that a response would be with me "as soon as possible", and while I appreciate the strain that COVID is putting us all under, waiting for 5 additional working days and possibly more for a response to an FOI is deeply unsatisfactory.

If the FOI unit wishes to tell me a new timescale with a date (such as end of day tomorrow) then this would be acceptable to me (providing an alternative timescale isn't too long). My thanks and kind regards,

[Redacted]

Begin forwarded message:

From: [REDACTED]
Date: 07/06/2021
To: [Redacted]
Subject: RE: FOI - C - James Hamilton's report - [Redacted] **- 202100199466 - CHASER**

Dear [Redacted] [

Please accept my sincere apologies for the delay. The response will be with you as soon as possible.

[REDACTED]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted]
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From: [Redacted]
Sent: 07 June 2021 10:20
To: Central Enquiry Unit <CEU@gov.scot>
Subject: Fwd: FOI Request

Greetings,

It has now been 22 working days since I submitted the FOI below, and I am wondering when I will get a response? My thanks and kind regards,

[Redacted]

Begin forwarded message:

From: [Redacted]
Date: 05/05/2021
To: ceu@gov.scot
Subject: FOI Request

Greetings,

My name is [Redacted] and I request the following information:

In Mr James Hamilton's report into the ministerial code (https://www.gov.scot/publications/independent-report-by-james-hamilton-on-the-first-ministers-self-referral-under-the-scottish-ministerial-code/), he concluded that the claim that the identity of one of the complainer's names was given to Mr Geoffery Aberdein was "credible". Subsequently, the FM said that a complaint has been made regarding this (https://www.herefordtimes.com/news/national/19179530.investigation-credible-claim-identity-salmond-complainer-leaked/). I request the following information:

1 - Is this complaint the same as the one made by Mr Alex Salmond (https://www.heraldscotland.com/news/19132039.alex-salmond-lodges-formal-complaint-alleged-leak-womans-name/) or a different one?

2 - Regardless, has the Permanent Secretary began her investigation into the alleged breaching of civil service rules?

3 - When will the Permanent Secretary conclude her investigation into the alleged breaching of civil service rules?

4 - Will the final report of this investigation be made public or at the least its findings made public?

An electronic copy is good for me. My thanks and kind regards,

[Redacted]

10. Exchanges Central Enquiry Unit and case handler re CHASER from requester

From: Central Enquiry Unit <CEU@gov.scot>
Sent: 10 June 2021 12:53
To: REDACTED
Subject: FOI - C - James Hamilton's report - [Redacted] - 202100199466 - CHASER

Good afternoon [REDACTED],

The email enquiry below was received at the Central Enquiry Unit today.

I would be grateful if you would deal with this or forward it to the appropriate person / area of business.

You may wish to acknowledge receipt of this email to the enquirer.

Thank you

[REDACTED]

Reminder: If this email contains a request for information please remember that the Scottish Government is required to respond to all requests for information including e-mails, within 20 working days of receipt in accordance with the Freedom of Information (Scotland) Act. Please refer to the FOI Guidance.

REDACTED | iTECS: Central Enquiry Unit | Digital Directorate | Scottish Government | Ext: [Redacted] | Tel: [Redacted] | Email: [Redacted]

From: [Redacted]
Sent: 10 June 2021 12:32
To: Central Enquiry Unit <CEU@gov.scot>
Subject: Fwd: FOI - C - James Hamilton's report - [Redacted] - 202100199466 - CHASER

Greetings,

It has now been 25 working days since I submitted an FOI (see below) and I have yet to receive a response. [Redacted] said that a response would be with me "as soon as possible", and while I appreciate the strain that COVID is putting us all under, waiting for 5 additional working days and possibly more for a response to an FOI is deeply unsatisfactory. If the FOI unit wishes to tell me a new timescale with a date (such as end of day tomorrow) then this would be acceptable to me (providing an alternative timescale isn't too long). My thanks and kind regards,

[Redacted]

Begin forwarded message:

From: REDACTED
Date: 07/06/2021
To: [Redacted]
Subject: RE: FOI - C - James Hamilton's report - [Redacted] **- 202100199466 - CHASER**

Dear [Redacted]

Please accept my sincere apologies for the delay. The response will be with you as soon as possible.

[REDACTED]

[REDACTED] I [REDACTED] I Permanent Secretary's Office I [REDACTED] I [REDACTED] I [Redacted
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I am now working a shift pattern that varies each day. If I am offline please contact the team at PermanentSecretary@gov.scot

From:[Redacted]
Sent: 07 June 2021 10:20
To: Central Enquiry Unit <CEU@gov.scot>
Subject: Fwd: FOI Request

Greetings,

It has now been 22 working days since I submitted the FOI below, and I am wondering when I will get a response? My thanks and kind regards,

[Redacted]

Begin forwarded message:

From: [Redacted]
Date: 05/05/2021
To: ceu@gov.scot
Subject: FOI Request

Greetings,

My name is[[Redacted] and I request the following information:

In Mr James Hamilton's report into the ministerial code (https://www.gov.scot/publications/independent-report-by-james-hamilton-on-the-first-ministers-self-referral-under-the-scottish-ministerial-code/), he concluded that the claim that the identity of one of the complainer's names was given to Mr Geoffery Aberdein was

"credible". Subsequently, the FM said that a complaint has been made regarding this (https://www.herefordtimes.com/news/national/19179530.investigation-credible-claim-identity-salmond-complainer-leaked/). I request the following information:

1 - Is this complaint the same as the one made by Mr Alex Salmond (https://www.heraldscotland.com/news/19132039.alex-salmond-lodges-formal-complaint-alleged-leak-womans-name/) or a different one?

2 - Regardless, has the Permanent Secretary began her investigation into the alleged breaching of civil service rules?

3 - When will the Permanent Secretary conclude her investigation into the alleged breaching of civil service rules?

4 - Will the final report of this investigation be made public or at the least its findings made public?

An electronic copy is good for me. My thanks and kind regards,

[Redacted]

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11. Relevant extract from a longer email chain, dated 18 June 2021, the rest of which is out of scope

[REDACTED]

[REDACTED]

I just wanted to flag this related FOI case from [Redacted] . It's awaiting spad views/clearance [redacted]

Grateful for views please.

[REDACTED]