

## Correspondence that mentions the LGB Alliance - FOI 202100248071

Any internal correspondence among civil servants within the Children and Families Directorate, Equality, Inclusion and Human Rights Directorate, senior civil servants, ministers and special advisers which includes the name of the charity "LGB Alliance" or discusses the charity's work, since the start of 2021.

**From:** [REDACT]>

**Sent:** 21 April 2021 12:02

**To:** [REDACT]

**Cc:** [REDACT]

**Subject:** RE: Decision of the English Charity Commission on LGB Alliance's Charitable Status

Hi there

I think the s.30 decisions relate to registering 'exempt' charities as opposed to charities in general. An exempt charity' has charitable status and is required to comply with charity law, but unlike other charities it:

- cannot register with the Charity Commission (Commission)
- is not directly regulated by the Commission and instead has (or will have) a principal regulator
- may only be investigated by the Commission as part of a statutory inquiry at the request of its principal regulator'

Exempt charities are not something which is replicated in scots law so my knowledge is a little fuzzy. Certainly I have never been aware of any provision or instance by which a third party can request a review of a Commission decision to enter a body onto the register – but that's not 100%. Unfortunately the Commissions guidance on reviews is not very clear on this either.

In terms of scots law, it's clear that there is no right of review/appeal from third parties on registration decisions and OSCR's information is fairly clear on that.

Many thanks

[REDACT]

[REDACT] | Senior Policy Officer | Charity Law | Third Sector Unit | Scottish Government | Mobile: [REDACT]

My pronouns are [REDACT]

**From:** [REDACT]>

**Sent:** 21 April 2021 09:19

**To:** [REDACT]

**Cc:** [REDACT]

**Subject:** RE: Decision of the English Charity Commission on LGB Alliance's Charitable Status

Hi all,

I'm copying in [REDACT] who I worked with in my last post. [REDACT] leads on charity law so might be able to advise on this.

Thanks,

[REDACT]

[REDACT] | LGBTI Team | Equality and Human Rights Division | Scottish Government | Tel:

[REDACT]

I work part-time. My usual work pattern is Tuesdays, Wednesdays and Thursdays.

**From:** [REDACT]>

**Sent:** 21 April 2021 08:35

**To:** [REDACT]

**Cc:** [REDACT]

**Subject:** RE: Decision of the English Charity Commission on LGB Alliance's Charitable Status

[REDACT]

I only found the decision from a link in Pink News.

I don't know anything about the process either. From a very quick glance at the Charities Act 2011, "an appeal may be brought to the Tribunal against any decision, direction or order mentioned in column 1 of Schedule 6." [Charities Act 2011 \(legislation.gov.uk\)](#) Column 1 of Schedule 6 then includes a "Decision of the Commission under section 30 or 34—

(a) to enter or not to enter an institution in the register of charities" [Charities Act 2011 \(legislation.gov.uk\)](#) and one of the bodies that could raise an appeal is "(c) any other person who is or may be affected by the decision."

So far as I can see, therefore, it is possible in England to appeal to a Tribunal against a decision to include a body in the English charity register.

My (limited) experience of trans organisations in England is that they are more fragmented than is the case in Scotland.

[REDACT]

**From:** [REDACT]>

**Sent:** 21 April 2021 07:58

**To:** [REDACT]

**Cc:** [REDACT]

**Subject:** RE: Decision of the English Charity Commission on LGB Alliance's Charitable Status

Thanks [REDACT], I'd not seen the full decision. I know very little about this process and a cursory Google hasn't helped – is there a mechanism for this to be appealed? I can only find information to appeal against an org NOT being granted charitable status. I recall there was a petition against this, so wouldn't be surprised if there's some appetite to appeal if possible.

Thanks again,

[REDACT]

[REDACT] Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | [REDACT]

**From:** [REDACT]>

**Sent:** 20 April 2021 18:56

**To:** [REDACT]>

**Cc:** [REDACT]>

**Subject:** Decision of the English Charity Commission on LGB Alliance's Charitable Status

[LGB Alliance - Full decision - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

For info. Decision is LGB Alliance should be entered onto the register of charities south of the border.

[REDACT]

Family Law Policy

Scottish Government

[REDACT]

Hi [REDACT]

Grateful for your clearance of the below **routine** FOI response requesting communications between SG and LGB Alliance dating from October 2019. Please also find attached the documents that will be released alongside the response.

[202100190232- FOI Response details - Objective ECM \(scotland.gov.uk\)](http://scotland.gov.uk)

The deadline for response is the 5<sup>th</sup> May so I'd be really grateful for a speedy response if this is at all possible.

Many thanks,

[REDACT]

[REDACT]

**Gender Equality and LGBTI Policy Teams**  
**Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights**

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



*I am now working from home and can be reached by email, mobile or Skype.*

Lovely, thanks so much!

[REDACT]

[REDACT] Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | [REDACT]

**From:** [REDACT]>

**Sent:** 29 April 2021 09:22

**To:** [REDACT]>

**Subject:** RE: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Hi [REDACT],

No worries, hope [REDACT] is on the mend.

I didn't have anything and offered a nil return in the attached.

[REDACT]

[REDACT]

[Support and Wellbeing Unit](#) | e: [REDACT] |

t: [REDACT]



I am normally available between 730am and 4pm. If you need to contact me urgently, try calling the mobile number above.

**From:** [REDACT]>

**Sent:** 29 April 2021 09:13

**To:** [REDACT]>

**Subject:** RE: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Hi [REDACT],

Really sorry if you've already replied to [REDACT] below – this is now coming due and [REDACT] off sick so I'm trying to retrace [REDACT] steps! Do you have any correspondence with LGB Alliance, that you're aware of?

Thanks,  
[REDACT]  
[REDACT]  
[REDACT] Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | [REDACT]

**From:** [REDACT]>  
**Sent:** 15 April 2021 09:42  
**To:** [REDACT]>  
**Cc:** [REDACT]>  
**Subject:** FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Hi all

We've received the below FOI which asks for "communications between the Scottish Government and a group titled LGB Alliance [REDACT]: [REDACT]) from October 2019 to the date of this request".

We expect we won't hold much correspondence from LGB Alliance, however please can your teams could do a search of inboxes and micase to check if you hold any relevant info or nil return. I'd be grateful if you can confirm this by COP Wednesday 21 April if at all possible.

Many thanks,

[REDACT]

[REDACT]  
Gender Equality and LGBTI Policy Teams  
Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



*I am now working from home and can be reached by email, mobile or Skype.*

-----Original Message-----

**From:** [REDACT]>  
**Sent:** 06 April 2021 15:03  
**To:** Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>  
**Subject:** Freedom of Information request - Correspondence with LGB Alliance

Dear Scottish Government,

This is a request under the Freedom of Information Act 2000 (FOIA). Please provide any information that you hold regarding the below:

Communications between the Scottish Government and a group titled LGB Alliance ([REDACT]) from October 2019 to the date of this request.

Yours faithfully,

[REDACT]  
-----

Please use this email address for all replies to this request:

[REDACT]

Is [ceu@gov.scot](mailto:ceu@gov.scot) the wrong address for Freedom of Information requests to Scottish Government? If so, please contact us using this form:

[https://www.whatdotheyknow.com/change\\_request/new?body=scottish\\_government](https://www.whatdotheyknow.com/change_request/new?body=scottish_government)

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://www.whatdotheyknow.com/help/officers>

For more detailed guidance on safely disclosing information, read the latest advice from the ICO:

<https://www.whatdotheyknow.com/help/ico-guidance-for-authorities>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

-----  
**From:** [REDACT]

**Sent:** 21 April 2021 09:19

**To:** [REDACT]

**Cc:** [REDACT]>

**Subject:** RE: Decision of the English Charity Commission on LGB Alliance's Charitable Status

Hi all,

I'm copying in [REDACT] who I worked with in my last post. [REDACT] leads on charity law so might be able to advise on this.

Thanks,

[REDACT]

[REDACT] | LGBTI Team | Equality and Human Rights Division | Scottish Government | Tel:

[REDACT]

[REDACT}

**From:** [REDACT]>

**Sent:** 21 April 2021 08:35

**To:** [REDACT]

**Cc:** [REDACT]>

**Subject:** RE: Decision of the English Charity Commission on LGB Alliance's Charitable Status

[REDACT]

I only found the decision from a link in Pink News.

I don't know anything about the process either. From a very quick glance at the Charities Act 2011, " an appeal may be brought to the Tribunal against any decision, direction or order mentioned in column 1 of Schedule 6." [Charities Act 2011](#)

[legislation.gov.uk](https://legislation.gov.uk)) Column 1 of Schedule 6 then includes a “Decision of the Commission under section 30 or 34—

(a) to enter or not to enter an institution in the register of charities” [Charities Act 2011](https://legislation.gov.uk) ([legislation.gov.uk](https://legislation.gov.uk)) and one of the bodies that could raise an appeal is “(c) any other person who is or may be affected by the decision.”

So far as I can see, therefore, it is possible in England to appeal to a Tribunal against a decision to include a body in the English charity register.

My (limited) experience of trans organisations in England is that they are more fragmented than is the case in Scotland.

[REDACT]

**From:** [REDACT]>

**Sent:** 21 April 2021 07:58

**To:** [REDACT]>

**Cc:** [REDACT]

**Subject:** RE: Decision of the English Charity Commission on LGB Alliance's Charitable Status

Thanks [REDACT], I'd not seen the full decision. I know very little about this process and a cursory Google hasn't helped – is there a mechanism for this to be appealed? I can only find information to appeal against an org NOT being granted charitable status. I recall there was a petition against this, so wouldn't be surprised if there's some appetite to appeal if possible.

Thanks again,

[REDACT]

[REDACT]

[REDACT] | Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | [REDACT]

**From:** [REDACT]>

**Sent:** 20 April 2021 18:56

**To:** [REDACT]>

**Cc:** [REDACT]>

**Subject:** Decision of the English Charity Commission on LGB Alliance's Charitable Status

[LGB Alliance - Full decision - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

For info. Decision is LGB Alliance should be entered onto the register of charities south of the border.



[REDACT]  
Family Law Policy  
Scottish Government  
[REDACT]

Thanks [REDACT], that's really good to know!

I've made those changes, I've also taken out the two paras on personal info being exempt as we haven't had to redact anything!

Let me know if it's okay 😊

[REDACT]  
**Gender Equality and LGBTI Policy Teams**  
**Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights**

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



*I am now working from home and can be reached by email, mobile or Skype.*

**From:** [REDACT]>  
**Sent:** 29 April 2021 13:47  
**To:** [REDACT]>  
**Subject:** RE: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Thank you! I'll then have another look and hopefully we can get this up to [REDACT] to clear today, and DDs tomorrow 😊 Also, I told you Monday wasn't a holiday for FOIs but apparently that was bad info, it is, so that's nice 😊

[REDACT]  
[REDACT] Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | [REDACT]

**From:** [REDACT]>  
**Sent:** 29 April 2021 13:40  
**To:** [REDACT]>  
**Subject:** RE: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Yes no problem! 😊

[REDACT]  
**Gender Equality and LGBTI Policy Teams**  
**Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights**

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



*I am now working from home and can be reached by email, mobile or Skype.*

**From:** [REDACT]>  
**Sent:** 29 April 2021 13:39  
**To:** [REDACT]>  
**Subject:** RE: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Sorry, must have missed it in the attachments! This is really lazy of me, but I'm going to send you my tiny comment now, could you take it on board and also get rid of the attachments we now know we don't want?

Thanks!

[REDACT]  
[REDACT] Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | [REDACT]

**From:** [REDACT]>  
**Sent:** 29 April 2021 13:24  
**To:** [REDACT]>  
**Subject:** RE: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Hey [REDACT],

Sorry I forgot to mention this one, I have it as an attachment but haven't highlighted it in our response. As you can see, family law decided it didn't need a response.

[REDACT]

[REDACT]  
**Gender Equality and LGBTI Policy Teams**  
**Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights**

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



*I am now working from home and can be reached by email, mobile or Skype.*

**From:** [REDACT]>  
**Sent:** 29 April 2021 11:43  
**To:** [REDACT]>  
**Subject:** FW: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Do we have the highlighted case below in our response?

[REDACT]

[REDACT] Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | [REDACT]

**From:** [REDACT]>

**Sent:** 29 April 2021 11:38

**To:** [REDACT]>

**Subject:** RE: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Hi [REDACT],

I replied to [REDACT] on 15/04/21- copied below in case you have any issues accessing [REDACT] inbox. To confirm, other than the MiCase results below, nothing in inboxes.

Thanks,

[REDACT]

Hi [REDACT],

The following cases on MiCase were submitted by the LGB Alliance or one of its directors:

201900008104: 27/11/2019. Inquiry related to census questions, withdrawn as being taken forward by National Records of Scotland who are not on MiCase

202000012345: 10/01/2020. Sender recorded as [REDACT], letter is on LGB Alliance header and signed by [REDACT], [REDACT] and [REDACT] for the LGB Alliance. Inquiry related to gender recognition bill. Withdrawn as decision made not to reply in light of ongoing consultation and later decision not to progress bill as a result of the pandemic

202000031912: 24/04/2020. FOI from [REDACT] requesting info related to a letter between Shirley-Anne Sommerville (MSP) and the Equality Network, Scottish Trans [I assume [REDACT] means Scottish Trans Alliance], LGBT Health and Wellbeing and Stonewall Scotland on the decision to pause GRA reform. There is no direct reference to the LGB Alliance in this correspondence.

There is also an email not directly from the LGB Alliance or any of its directors but makes mention of the LGB Alliance (20200001317) and correspondence from a [REDACT] (202000072018) though this appears to be a different person, and makes no mention of the LGB Alliance or any LGBT issues. Likewise there is a correspondence from a [REDACT] (202100179884) which makes no mention of the LGB Alliance and appears to be a different person.

[REDACT] is back from annual leave on Tuesday 20<sup>th</sup>, so will ask [REDACT] to check [REDACT] inbox for any direct communication from LGB Alliance then, though as far as I know we haven't had anything through. Nothing from my inbox.

Thanks,

[REDACT]

**From:** [REDACT]>

**Sent:** 29 April 2021 09:16

**To:** [REDACT]>

**Subject:** FW: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Forwarding per [REDACT] out-of-office 😊

[REDACT]

[REDACT]

[REDACT] Equality and Human Rights Division | Scottish Government |Victoria Quay| Edinburgh | EH6 6QQ| [REDACT]

**From:** [REDACT]

**Sent:** 29 April 2021 09:11

**To:** [REDACT]>

**Subject:** RE: FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Hi [REDACT],

Really sorry if you've already replied to [REDACT] below – this is now coming due and [REDACT] off sick so I'm trying to retrace [REDACT] steps! Do you have any correspondence with LGB Alliance, that you're aware of?

Thanks,

[REDACT]

[REDACT]

[REDACT] Equality and Human Rights Division | Scottish Government |Victoria Quay| Edinburgh | EH6 6QQ| [REDACT]

**From:** [REDACT]>

**Sent:** 15 April 2021 09:42

**To:** [REDACT]

**Cc:** [REDACT]

**Subject:** FOI Request- Inbox/Micase Scan- Correspondence from LGB Alliance

Hi all

We've received the below FOI which asks for "communications between the Scottish Government and a group titled LGB Alliance ([REDACT]: [REDACT]) from October 2019 to the date of this request".

We expect we won't hold much correspondence from LGB Alliance, however please can your teams could do a search of inboxes and micase to check if you hold any relevant info or nil return. I'd be grateful if you can confirm this by COP Wednesday 21 April if at all possible.

Many thanks,

[REDACT]

[REDACT]

**Gender Equality and LGBTI Policy Teams**  
**Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights**

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

*I am now working from home and can be reached by email, mobile or Skype.*

-----Original Message-----

From: [REDACT]>

Sent: 06 April 2021 15:03

To: Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>

Subject: Freedom of Information request - Correspondence with LGB Alliance

Dear Scottish Government,

This is a request under the Freedom of Information Act 2000 (FOIA). Please provide any information that you hold regarding the below:

Communications between the Scottish Government and a group titled LGB Alliance ([REDACT]) from October 2019 to the date of this request.

Yours faithfully,

[REDACT]

-----

Please use this email address for all replies to this request:

[REDACT]

Is [ceu@gov.scot](mailto:ceu@gov.scot) the wrong address for Freedom of Information requests to Scottish Government? If so, please contact us using this form:

[https://www.whatdotheyknow.com/change\\_request/new?body=scottish\\_government](https://www.whatdotheyknow.com/change_request/new?body=scottish_government)

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://www.whatdotheyknow.com/help/officers>

For more detailed guidance on safely disclosing information, read the latest advice from the ICO:

<https://www.whatdotheyknow.com/help/ico-guidance-for-authorities>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

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Hi [REDACT],

Yes, thank you, this is one for [REDACT].

[REDACT]– I doubt there will be much here that isn't included in your outstanding FOI, although this request isn't confined to a particular time period. Should all be on MiCase, but as ever worth just going round relevant teams and checking ERDM. Give me a shout if you need to.

Thanks,

[REDACT]

[REDACT]

[REDACT] | Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh  
| EH6 6QQ | [REDACT] |

**From**[REDACT]> **On Behalf Of** Freedom of Information

**Sent:** 22 April 2021 11:13

**To:** [REDACT]>

**Cc:** Freedom of Information <[foi@gov.scot](mailto:foi@gov.scot)>

**Subject:** FW: FOI - EJ - TRIAGE - LGB Alliance - 202100196285

Hi [REDACT],

This is another FOI on the same topic that was sent on the 07/04. Should this also be assigned to [REDACT]?

It would be most helpful if the case handler could inform the FOI Unit when they have accepted the case.

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 (202100196285) through Case Actions on MiCase remembering to send the requester a FOI/EIR specific acknowledgement. The response should be issued as promptly as possible and no later than 20/05/21.**

For detailed information regarding possible exemptions I would recommend the Scottish Information Commissioner's [website](#).

We have a duty to advise and assist requesters throughout this process and remember there is always a presumption in favour of disclosure.

You will see a link on MiCase to FOI Compliance documents. From there please save a copy of the Statement of Compliance completing it as your case progresses and saving it to the casefile when complete.

If the information requested is held and is already reasonably obtainable by the applicant – for example it may be published on the Scottish Government website – it falls within the scope of the exemption at section 25(1) of FOISA as 'otherwise accessible'. This means you should refuse the request, citing that exemption and explaining to the applicant where to access the information. However, in some instances, it might be more practical to simply provide the information, eg if it is just a few short documents that are not costly or time consuming to print out. To meet our duty to provide advice and assistance to the applicant, if the information has been published on the internet, you should offer to provide paper copies if the applicant does not have internet access.

If we do not hold any information then it is preferable to issue that response as promptly as possible in the form of a refusal notice under section 17(1) of FOISA. It may be helpful to include an explanation of why we do not hold the information to place our response in context. Additionally we need to evidence that adequate and proportionate searches have been carried out. These searches should be recorded on the FOI Searches template saved to the casefile.

In FOISA terms we would assess this case as **routine**. As such it should not require a Ministerial decision in terms of disclosure. Please ensure that decisions on disclosure are taken by officials of appropriate seniority (normally C Band or above). You may find our Submissions Templates useful.

If necessary please sight your Comms team if you consider that parallel media handling is required. This assessment of sensitivity can change once full searches have been completed. *If this case becomes more sensitive and you consider that it requires a Ministerial decision and it is to be sent to SpAds prior to that, then please engage with the FOI Unit to help us reassess the case.*

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](mailto:foi@gov.scot) if you have any questions.

New guidance to replace our SharePoint is being developed on Saltire and will be available soon (will be available here: <http://saltire/my-workplace/it-and-information-management/freedom-of-information/Pages/Guidance-for-FOI-case-handlers.aspx>)

In the meantime new overview 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](http://www.itspublicknowledge.info)

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

**From:** [REDACT]>  
**Sent:** 21 April 2021 20:16  
**To:** Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>  
**Subject:** FOI

Dear reader

I would like to request the following information under the freedom of information act:

1. Any correspondence between the Minister for Older People and Equalities and the group LGB Alliance.

I await your response

[REDACT]

-----

[REDACT]  
Hi [REDACT]

No problem, I'll chase that again. The LGB Alliance FOI is fine, everyone has responded with contributions except inclusive education so I'll start pulling the draft together today.

Hope you had a good weekend, loving the weather just now- hope it's good in Scotland too! 😊

[REDACT]

[REDACT]  
**Gender Equality and LGBTI Policy Teams**  
**Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights**

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



*I am now working from home and can be reached by email, mobile or Skype.*

**From:** [REDACT]>  
**Sent:** 19 April 2021 09:16



**To:** [REDACT]>  
**Subject:** RE: For Clearance: FOI 202100163705

Hiya [REDACT],

Just checking in on FOIs – could you chase PO again about this one? Presumably the LGB Alliance one is just ticking along waiting for input, but please give me a shout if there's anything you need help with on it.

[REDACT]

[REDACT]  
[REDACT] Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | [REDACT]

**From:** [REDACT]>  
**Sent:** 14 April 2021 09:37  
**To:** Cabinet Secretary for Social Security and Older People <[CabSecSSOP@gov.scot](mailto:CabSecSSOP@gov.scot)>; [REDACT]>  
**Cc:** [REDACT]  
**Subject:** RE: For Clearance: FOI 202100163705

Hi [REDACT]

The requester has now come back with the below reply confirming the scope of their request relates to SG policy. Please can I check [REDACT] is content for the attached FOI response to now be released?

*"My query requests information regarding Scottish Cabinet discussions regarding "Transgender women are to be treated as non-transgender women". I refer to the statements made by [REDACT] only to allude to the fact that this may or may not be Scottish Government policy and instead may be a goal, intention or a view held by the Scottish Government instead."*

Thanks,

[REDACT]

[REDACT]  
Gender Equality and LGBTI Policy Teams  
Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



*I am now working from home and can be reached by email, mobile or Skype.*

**From:** [REDACT]> **On Behalf Of** Cabinet Secretary for Social Security and Older People

**Sent:** 09 April 2021 13:03

**To:** [REDACT]; Cabinet Secretary for Social Security and Older People <[CabSecSSOP@gov.scot](mailto:CabSecSSOP@gov.scot)>; [REDACT]

**Cc:** [REDACT]

**Subject:** RE: For Clearance: FOI 202100163705

Hi [REDACT],

Yes [REDACT] is content for the reworded of request for clarification to be issued.

Kind regards,  
[REDACT]

[REDACT]

[REDACT] E: [cabsecSSOP@gov.scot](mailto:cabsecSSOP@gov.scot)

The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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)

**From:** [REDACT]>

**Sent:** 08 April 2021 15:55

**To:** Cabinet Secretary for Social Security and Older People <[CabSecSSOP@gov.scot](mailto:CabSecSSOP@gov.scot)>; [REDACT]>

**Cc:** [REDACT]>

**Subject:** RE: For Clearance: FOI 202100163705

Hi [REDACT],

Thanks for this. I'm not sure if you'll be aware, but this case is now at review (with 14 days left to respond), as we were over time in answering it originally, which gives the requester an automatic right to review, which they've exercised.

Apologies if I'm misunderstanding, but I had thought from [REDACT] email of 23 March that [REDACT] wanted us to go back to the requester to clarify the scope of [REDACT] ask. From your email today, I'm not sure if [REDACT] had actually intended us to refuse the request on the basis of s.17 of the Act, 'information not held'? If that is the case, we may now be in a slightly complex position, as having taken it to review already, the requester's only further recourse (if [REDACT] disagrees with our approach) is to appeal to the Scottish Information Commissioner's Office directly. We are of course keen to avoid that, and to ensure that the current request is clarified and responded to if possible. To note (I think we mentioned in our original submission on 17 March) we have already refused a request from this

person, in very similar terms, for being too broad. At that stage, we suggested they narrow it down, resulting in the case currently before us – I suspect that the requester may be inclined to appeal if we now refuse the request on the basis of 'information not held', following that guidance.

Does the attached rewording of our 'request for clarification' resolve the issue and make clear that we don't hold information regarding the court case and would be able to release information in respect of SG policy only, if the requester clarifies that that is the extent of her ask?

Again, my apologies if I'm misunderstanding. Always very happy to chat if that would be easier.

Thanks,  
[REDACT]

[REDACT]  
[REDACT] Equality and Human Rights Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | [REDACT]

**From:** [REDACT]  
**Sent:** 08 April 2021 15:03  
**To:** [REDACT]; Cabinet Secretary for Social Security and Older People <[CabSecSSOP@gov.scot](mailto:CabSecSSOP@gov.scot)>  
**Cc:** [REDACT]  
**Subject:** RE: For Clearance: FOI 202100163705

Hi [REDACT],

Apologies for the delay. [REDACT] with the view of SpAds that we don't have the information asked for which was in relation to a statement in a live court case.

[REDACT] agrees with SpAds comments that the respondent should be told we do not hold info in relation to a QC statement in live case but they may want to change request to be relevant to SG policy.

Thanks,

[REDACT]

[REDACT] E: [cabsecSSOP@gov.scot](mailto:cabsecSSOP@gov.scot)  
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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)

**From:** [REDACT]  
**Sent:** 26 March 2021 15:22  
**To:** Cabinet Secretary for Social Security and Older People  
<[CabSecSSOP@gov.scot](mailto:CabSecSSOP@gov.scot)>  
**Cc:** [REDACT]  
**Subject:** RE: For Clearance: FOI 202100163705

Hi [REDACT]

Grateful if you can confirm if [REDACT] is content with the attached clarification.

If so, and we receive a positive response from the requester, please can I also confirm that the Cab Sec is content for us to issue our response as it stands at present (attached with earlier submission for reference) or whether Cab Sec has any amendments to this?

FOI Unit have advised that usually, when a clarification request is sent out, the 'clock' stops until an answer is received. However, they do not think that would be possible in this instance as they have advised that in their opinion the FOI is valid as it currently stands. Therefore, a quick response from you would be hugely appreciated to minimise the lateness of our final response to the requester.

Thanks,

[REDACT]

[REDACT]

**Gender Equality and LGBTI Policy Teams**  
**Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights**

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



*I am now working from home and can be reached by email, mobile or Skype.*

**From:** [REDACT]  
**Sent:** 23 March 2021 20:37  
**To:** [REDACT]; Cabinet Secretary for Social Security and Older People  
<[CabSecSSOP@gov.scot](mailto:CabSecSSOP@gov.scot)>  
**Cc:** [REDACT]  
**Subject:** RE: For Clearance: FOI 202100163705

Hi [REDACT]

[REDACT] has considered and agrees with the view of SpAds that the request is unclear and asks that this is further clarified.

Many thanks.

[REDACT]

[REDACT]

The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1  
3DG

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**From:** [REDACT]

**Sent:** 17 March 2021 17:57

**To:** Cabinet Secretary for Social Security and Older People

<[CabSecSSOP@gov.scot](mailto:CabSecSSOP@gov.scot)>

**Cc:** [REDACT]

**Subject:** For Clearance: FOI 202100163705

Hi [REDACT]

### **FOI REQUEST: SUBMISSION FOR MINISTERIAL DECISION**

Please find attached a submission for [REDACT] attention inviting Cabinet Secretary to agree that the attached response to an FOI request should be issued. As noted at paragraph 9 of the submission, SpAds disagree with the approach taken by officials.

The response is due to be issued by **Tuesday 23<sup>rd</sup> March**.

Grateful if you can confirm if Cab Sec is content.

Many thanks,

[REDACT]

[REDACT]

Gender Equality and LGBTI Policy Teams

Scottish Government | Directorate for Local Government and Communities | Equality and Human Rights

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ