

{redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} (MARLAB) <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@forestry.gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@sps.gov.uk>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@socialsecurity.gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} (CUKR) <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@socialsecurity.gov.scot>; {redacted} <{redacted}@socialsecurity.gov.scot>

Cc: {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; Transport Scotland Data Protection <dpa@transport.gov.scot>; {redacted} <{redacted}@transport.gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@socialsecurity.gov.scot>; ARE Directorate Business Support <ARE.DirectoratBusinessSupport@gov.scot>; Social Security Scotland Freedom of Information <foi@socialsecurity.gov.scot>; Business Managers <DLECONPBM@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; Director of Advanced Learning and Science <DirectorofAdvancedLearningandScience@gov.scot>; iTECS SLT BMU <iTECSBMU@gov.scot>; DECC: Operations Team Mailbox <DOT@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; Curtis PS (Penelope) Penelope.Curtis@gov.scot - SCS

Subject: FOI & EIR Requests/Reviews - Awareness of timescales - 24/06/2022

To: case handlers

Cc: for information & awareness only

Good afternoon,

According to MiCase, as of 24th June 2022, you are currently dealing with an FOI / EIR request or review.

In the tables below, we have highlighted cases which have reached the 15th working day (amber), reached the 20th working day (red), cases that are due to be responded to within the next fortnight and a separate table for EIR cases which are either due for response in the next fortnight or are now overdue.

202200299795	{redacted}	EIR Request	11 May 2022	08 June 2022
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Please note this email is for awareness and I do not require an update regarding the progress of your FOI/EIR request or review. If you have any questions, please do not hesitate to contact the FOI Unit.

Kind regards,

{redacted} FOI Support Adviser | FOI Unit | Scottish Government | 2W St Andrews House, Regent Road, Edinburgh, EH1 3DG

Freedom of Information Unit

From: {redacted}

Sent: 17 May 2022 11:41

To: Minister for Transport <MinisterFT@gov.scot>

Cc: {redacted} <{redacted}@transport.gov.scot>

Subject: Freedom of Information Requests - FMEL - DFM - Minister for Transport

Importance: High

PO,

Please find below Freedom of Information requests which relate to FMEL, DFM, Minister for Transport and the document from 9 October 2015.

It would be greatly appreciated if you could, like DFM PO, conduct appropriate searches of Ministerial inboxes and subfolders and provide any in-scope information which relates to the below requests.

I attach the response from DFMs PO for information.

Much appreciated and happy to discuss.

Regards,

{redacted}

{redacted} | Ferries Infrastructure Projects Manager | Ferries Unit | Aviation, Maritime, Freight and Canals | Transport Scotland

Tel. {redacted} Mob: {redacted} |Email: {redacted}@transport.gov.scot



From: {redacted} <{redacted}@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Covid Recovery

Sent: 16 May 2022 17:41

To: {redacted} <{redacted}@transport.gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

Cc: {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>;

{redacted} <{redacted}@transport.gov.scot>

Subject: RE: Freedom of Information Requests - FMEL - DFM

Importance: High

{redacted}

I have considered each of the FoI requests carefully and conducted appropriate searches of the DFMCSR inbox and subfolders. I attach my responses in a Word document.

I consider that for two of the requests up to 36 email messages (some with attachments), which we hold may be within scope. Please let me know how you would like these to be transmitted to you – this could be by email or by saving into a specific eRDM folder if you can grant me access.

Many thanks

{redacted}

{redacted}

Private Secretary to the Deputy First Minister and Cabinet Secretary for Covid Recovery – John Swinney MSP

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

T: {redacted} | **M:** {redacted} | **Email:** DFMCSR@gov.scot

From: {redacted} <{redacted}@transport.gov.scot>

Sent: 16 May 2022 14:28

To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSR@gov.scot>

Cc: {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@gov.scot>; {redacted} <{redacted}@transport.gov.scot>

Subject: Freedom of Information Requests - FMEL - DFM

Importance: High

Hi,

Please find below Freedom of Information requests which relate to FMEL, DFM and the document from 9 October 2015.

Can you provide any information that Private Officer has which relate to the below requests.

Much appreciated and happy to discuss.

Thanks, {redacted}

202200299795

1) All correspondence relating to the publication of this document by the Scottish Government between May 1 2022 and May 12 2022. In an effort to help you locate the email and further correspondence surrounding, I believe the email was sent to {redacted} - the chief of staff in the special adviser's office around noon on this date. Although this should not limit the scope of the request to just this one email exchange.

2) All correspondence sent by Derek Mackay or any of his officials and members of his private office on October 9 2015.

No information held

From: {redacted} **On Behalf Of** Freedom of Information
Sent: 01 September 2022 14:49
To: TS Corporate Correspondence Support Team <TSS@transport.gov.scot>
Cc: {redacted} <{redacted}@transport.gov.scot>; {redacted} <{redacted}@transport.gov.scot>
Subject: FOI - E - TRIAGE - Correspondence relating to Ferguson Marine - 202200318503

Hello,

Please see the FOI request below. It looks like this may be in relation to your policy area. Please confirm this sits with you or advise us immediately if it does not; suggesting business areas that are better suited.

Please note the following:

Timescale

- The response to this case should issue as soon as possible and no later than the statutory deadline which is **29/09/22**.

Immediate Actions

Please:

- 'Assign to self' through the 'Case Actions' tab on MiCase: MiCase - View Case 318503
- Send the requester an **FOI specific acknowledgement letter**, following the standard template (FOISA Request Templates, page 5). The acknowledgement issued by MiCase is not FOI specific and we are required to do this.
- Complete all relevant documents as your case progresses, including the:
 - (i) Mandatory Statement of Compliance listing information identified as in scope and a summary of decisions made
 - (ii) Searches Template recording details of searches carried out.
- Use the **Response Wizard** contained in MiCase for ALL letters to the requester.
- Complete and submit a **mandatory** Pre-publication checklist for gov.scot before requesting publication on the SG website.

Sensitivity

- In FOISA terms we are assessing this case as **sensitive**. This means a Ministerial decision in terms of disclosure is required. Please seek input from SpAds before making your final submission to your Minister. You may find

our Submissions Templates useful here:

<https://erdm.scotland.gov.uk:8443/documents/qA962816>.

The sensitivity assessment can change once full searches have been completed. If after searching you consider the case not to be sensitive, please engage with the FOI Unit to help us reassess the case.

- Please make officials of appropriate seniority (normally C Band or above) aware of the case.
- Please sight your Comms team, parallel media handling may be required.

Requests for legal advice, or requests which capture legal advice

You should always consult the relevant team in Scottish Government Legal Directorate (SGLD) if you receive a request for/relating to legal advice or there is material from the Law Officers (the Lord Advocate and the Solicitor General). SGLD can also help in identifying any legal advice within the scope of the request.

Read our advice here.

Guidance

Detailed guidance is available here Freedom of Information (FOI): SharePoint: 2020-2025 and SharePoint Collection.

Saving and ERDM

It is essential that all documentation about the handling of the case is saved in the correct ERDM case file - you will find this by searching for the FOI number. This will help speed up the process should the request go to review or appeal.

Many thanks,
{redacted}

{redacted} | FOI Adviser (TRS) | Scottish Government | 2W St Andrew's House,
Regent Road, Edinburgh EH1 3DG

Yammer: @FOI - Community

From: Central Enquiry Unit <CEU@gov.scot>

Sent: 01 September 2022 14:39

To: Freedom of Information <foi@gov.scot>

Subject: FOI - E - TRIAGE - Ferguson Marine - 202200318503

From: {redacted} <{redacted}@pa.media>

Sent: 01 September 2022 14:26

To: Central Enquiry Unit <CEU@gov.scot>

Subject: FOI 202200299795

Hi all,

Under FOISA, I would like the following information regarding FOI request number 202200299795, sent in June 2022, relating to emails regarding Ferguson Marine.

1) Correspondence relating to the request sent by or to government officials including, but not limited to, civil servants, special advisers and elected officials from the time of the request to September 1 (inclusive).

For clarity, correspondence should include, but not be limited to, emails, WhatsApp messages, internal communications methods, letters or text messages.

Thanks,

{redacted}

From: Central Enquiry Unit <CEU@gov.scot>

Sent: 01 September 2022 14:39

To: Freedom of Information <foi@gov.scot>

Subject: FOI - E - TRIAGE - Ferguson Marine 202200299795 - {redacted} - 202200318503

Good afternoon,

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}@gov.scot

Hi all,

For clarification - section 2 is in relation to the award of a contract of two ferries to Ferguson Marine shipyard in Port Glasgow, and as such I would appreciate if correspondence in relation to this would be passed on.

Thanks,

{redacted}

From: {redacted} **On Behalf Of** Freedom of Information
Sent: 12 May 2022 10:41
To: TS Corporate Correspondence Support Team <TSS@transport.gov.scot>
Cc: {redacted} <{redacted}@transport.gov.scot>; {redacted} <{redacted}@transport.gov.scot>
Subject: FOI TRIAGE - E - Ferguson Marine - MiCase 202200299795
Importance: High

Good morning,

Below is an FOI that I believe may be handled by your policy area and directly below is some triage advice as per the service offered by the FOI Unit.

If this request cannot be handled in your area we would hugely appreciate any advice and assistance you can offer in finding the appropriate area for it.

Dear Case handler,

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 such under FOI(S)A.

Under FOISA we have a statutory obligation to respond promptly to all requests. Following the Scottish Information Commissioner's intervention into the Scottish Government's FOI Performance and practice, we have committed to meeting the Commissioner's target of responding to at least 95% of requests within the statutory deadline. It is therefore imperative that the response to this case should issue within the statutory deadline which is **10/06/2022**

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.

Requests for legal advice, or requests which capture legal advice

These requests should be handled carefully. You should always consult the relevant team in SGLD if you receive a request for/relating to legal advice. SGLD can help in identifying any legal advice within the scope of the request.

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, e.g. 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. If another authority may hold the information then preferably having confirmed they do hold the requested information, their contact details should be included in your response.

Actions

- Please now 'assign to self' through the 'Case Actions' tab on MiCase: MiCase - View Case 299795
- Send the requester an **FOI specific acknowledgement letter**, following the standard template (FOISA Request Templates, page 5). The acknowledgement issued by MiCase is not FOI specific and we are required to do this.
- **Please confirm when you have completed the above 2 actions.**
- 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.
- Please use the **Response Wizard** contained in MiCase for ALL letters to the requester, including acknowledgement, holding response (if required) and the final response

Sensitivity

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.

Resources

- An overview of the FOI Handling process is provided by our Checklist Guidance document. There is also high level Saltire Guidance regarding FOI requests and the role of this Unit

- A more detailed set of guidance documents, including letter templates and information about standard approaches is available here Freedom of Information (FOI): SharePoint: 2020-2025
- SharePoint Collection contains our previously available FOI SharePoint guidance
- Yammer! Search @ FOI – Community for hints and tips
- Redacting guidance is here: <http://saltire/my-workplace/it-and-information-management/data-protection/Pages/redaction-of-information.aspx>
- The Scottish Information Commissioner's Briefings and Guidance for Scottish Public Authorities is a useful resource for any officer handling an FOI request. This includes detailed guidance on the various exemptions which may apply under FOISA. We would strongly advise that you familiarise yourself with the relevant Briefing from the Commissioner before applying any of the exemptions available under the legislation
- There is also an introductory e-learning module on the SG learning portal: <https://scotgov.learningnexus.co.uk/login/index.php>

Kind Regards,

{redacted} | Freedom of Information (FOI) Adviser| FOI Unit | Scottish Government |
2W St Andrews House, Regent Road, Edinburgh, EH1 3DG

Freedom of Information Unit

From: Central Enquiry Unit <CEU@gov.scot>

Sent: 12 May 2022 08:45

To: Freedom of Information <foi@gov.scot>

Subject: TRIAGE - FOI - E - Ferguson Marine - {redacted} - MiCase 202200299795

Good morning,

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.

Many thanks,

{redacted}

**{redacted} | CEU Enquiry Officer| iTECS: Central Enquiry Unit | Digital
Directorate | Scottish Government | Ext: {redacted} | Tel: {redacted} | Email:
{redacted}@gov.scot**

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. All FOI requests received must be registered on Micase

From: {redacted} <{redacted}@pa.media>
Sent: 01 September 2022 14:22
To: Central Enquiry Unit <CEU@gov.scot>
Subject: FW: FOI 202200299795

Hi,

Re-sending this as it is now nearing three months since the initial request was made and no response has been given.

Thanks,

{redacted}

From: {redacted} **On Behalf Of** Freedom of Information
Sent: 10 August 2022 14:31
To: {redacted} <{redacted}@transport.gov.scot>
Cc: {redacted} <{redacted}@transport.gov.scot>; {redacted} <{redacted}@transport.gov.scot>
Subject: FW: FOI - TRIAGE - FOI 202200299795 - Craig Paton
Importance: High

Good afternoon,

Please see the chaser for a response to 202200299795,

Kind Regards,

{redacted} | Freedom of Information (FOI) Adviser | FOI Unit | Scottish Government |
2W St Andrews House, Regent Road, Edinburgh, EH1 3DG

Freedom of Information Unit

From: {redacted} <{redacted}@pa.media>
Sent: 10 August 2022 14:14
To: Central Enquiry Unit <CEU@gov.scot>
Subject: FOI 202200299795

Hi all,

I would like to check the progress of the above FOI request, given the initial request was made two months ago.

Thanks,

{redacted}