

Scottish Government | Riaghaltas na h-Alba | St Andrew's House | 1W.11 | Regent Road | Edinburgh | EH1 3DG
Tel/Fòn: [redacted – s38(1)(b)] | Ext/Leudachan: [redacted – s38(1)(b)] | Mobile/Fòn-laimhe: [redacted – s38(1)(b)]
Email /Post-d: CabSecJV@gov.scot



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.

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

Email Correspondence, 27 September 2022

From: [redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)> **On Behalf Of** Minister for Equalities and Older People

Sent: 27 September 2022 12:25

To: [redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; Minister for Equalities and Older People <MinisterEOP@gov.scot>; Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

Cc: Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>;

Minister for Community Safety <MinisterCS@gov.scot>; DG Communities

<DGCommunities@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director of Justice

<DirectorofJustice@gov.scot>; Director for Ukraine Resettlement

<DirectorUkraineResettlement@gov.scot>; Director of Safer Communities

<DirectorofSaferCommunities@gov.scot>; Marshall R (Robert) <Robert.Marshall@gov.scot>; Donald

AE (Anna) <Anna.Donald@gov.scot>; Somers J (John) <John.Somers@gov.scot>; [redacted –

s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)] <[\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted – s38\(1\)\(b\)\] <\[\\[\\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\]@gov.scot\\]\\(mailto:\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\\)>; \\[redacted – s38\\(1\\)\\(b\\)\\] <\\[\\\[\\\\[redacted – s38\\\\(1\\\\)\\\\(b\\\\)\\\\]@gov.scot\\\]\\\(mailto:\\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\]@gov.scot\\\)>; \\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\] <\\\[\\\\[\\\\\[redacted – s38\\\\\(1\\\\\)\\\\\(b\\\\\)\\\\\]@gov.scot\\\\]\\\\(mailto:\\\\[redacted – s38\\\\(1\\\\)\\\\(b\\\\)\\\\]@gov.scot\\\\)>; \\\\[redacted – s38\\\\(1\\\\)\\\\(b\\\\)\\\\] <\\\\[\\\\\[\\\\\\[redacted – s38\\\\\\(1\\\\\\)\\\\\\(b\\\\\\)\\\\\\]@gov.scot\\\\\]\\\\\(mailto:\\\\\[redacted – s38\\\\\(1\\\\\)\\\\\(b\\\\\)\\\\\]@gov.scot\\\\\)>; \\\\\[redacted – s38\\\\\(1\\\\\)\\\\\(b\\\\\)\\\\\] 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\\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\] <\\\[\\[\\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\]@gov.scot\\]\\(mailto:\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\\)>; \\[redacted – s38\\(1\\)\\(b\\)\\] <\\[\\\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\\\]\\\(mailto:\\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\]@gov.scot\\\)>; \\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\] <\\\[\\[\\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\]@gov.scot\\]\\(mailto:\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\\)>; \\[redacted – s38\\(1\\)\\(b\\)\\] <\\[\\\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\\\]\\\(mailto:\\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\]@gov.scot\\\)>; \\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\] <\\\[**Subject:** RE: Briefing - Commencement of the Hate Crime and Public Order \\(S\\) Act 2021 - meeting with justice partners\\\]\\\(mailto:\\\[redacted –</p></div><div data-bbox=\\\)\\]\\(mailto:\\[redacted –</p></div><div data-bbox=\\)\\\]\\\(mailto:\\\[redacted –</p></div><div data-bbox=\\\)\\]\\(mailto:\\[redacted 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Hi [redacted – s38(1)(b)]

Ms McKelvie and Mr Brown have received the attached correspondence from DCC Fiona Taylor QPM at Police Scotland on the Hate Crime and Public Order Act.

I would be grateful if officials could consider advice to Ministers and an appropriate response. If agreeable with Justice PO colleagues I will ask [redacted – s38(1)(b)] to liaise with Mr Brown's diary secretary to scope out a date for the next meeting with Police Scotland which I think was agreed to take place at the end of the year?

Thanks

[redacted – s38(1)(b)]

[redacted – s38(1)(b)] | [redacted – s38(1)(b)],

Office of Minister for Equalities and Older People, Christina McKelvie

[redacted – s38(1)(b)] | www.gov.scot | [redacted – s38(1)(b)]

*** PLEASE READ DISCLAIMER ***

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

From: [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@scotland.police.uk>

Sent: 27 September 2022 11:21

To: Minister for Equalities and Older People <MinisterEOP@gov.scot>; Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

Subject: Letter to Ms McKelvie MSP and Mr Brown MSP Hate Crime and Public Order (Scotland) Act [OFFICIAL]

OFFICIAL

Good morning

Further to your letter dated 12 August and subsequent meeting on 31 August 2022 with DCC Fiona Taylor QPM to discuss the implementation of the Hate Crime and Public Order (Scotland) Act. Please find attached a letter issued by DCC Taylor QPM for the attention of the Minister of Equalities and Older People, Ms McKelvie MSP and the Cabinet Secretary for Justice and Veterans, Mr Brown MSP, restating the Police Scotland position in respect of the implementation date for the Act.

I would be grateful if you could bring the content of the letter to the attention of your respective Ministers.

If there is anything further you require, please do not hesitate to get in touch.

Kind regards

[redacted – s38(1)(b)]

[redacted – s38(1)(b)]

Inspector

Staff Officer to DCC Fiona Taylor QPM (DCC Professionalism, Digital and Transformation)

Police Scotland Headquarters

Scottish Police College

Tulliallan Castle

Kincardine

FK10 4BE

Tel: [redacted – s38(1)(b)]

Mob: [redacted – s38(1)(b)]

Email: [\[redacted – s38\(1\)\(b\)\]@scotland.police.uk](mailto:[redacted – s38(1)(b)]@scotland.police.uk)

Website: www.scotland.police.uk

Email Correspondence, 26 August 2022

From: [redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>

Sent: 26 August 2022 15:41

To: Minister for Equalities and Older People <MinisterEOP@gov.scot>; Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

Cc: Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>;

Minister for Community Safety <MinisterCS@gov.scot>; DG Communities

<DGCommunities@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director of Justice

<DirectorofJustice@gov.scot>; Director for Ukraine Resettlement

<DirectorUkraineResettlement@gov.scot>; Director of Safer Communities

<DirectorofSaferCommunities@gov.scot>; Marshall R (Robert) <Robert.Marshall@gov.scot>; Donald

AE (Anna) <Anna.Donald@gov.scot>; Somers J (John) <John.Somers@gov.scot>; [redacted –

s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)] <[\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted – s38\(1\)\(b\)\] <\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted –](mailto:[redacted –</p></div><div data-bbox=)

[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)] <[\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted – s38\(1\)\(b\)\] <\[\\[\\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\]@gov.scot\\]\\(mailto:\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\\)>; \\[redacted – s38\\(1\\)\\(b\\)\\] <\\[\\\[\\\\[redacted – s38\\\\(1\\\\)\\\\(b\\\\)\\\\]@gov.scot\\\]\\\(mailto:\\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\]@gov.scot\\\)>; \\\[redacted – s38\\\(1\\\)\\\(b\\\)\\\] <\\\[\\\\[\\\\\[redacted – s38\\\\\(1\\\\\)\\\\\(b\\\\\)\\\\\]@gov.scot\\\\]\\\\(mailto:\\\\[redacted – s38\\\\(1\\\\)\\\\(b\\\\)\\\\]@gov.scot\\\\)>; \\\\[redacted – s38\\\\(1\\\\)\\\\(b\\\\)\\\\] <\\\\[\\\\\[\\\\\\[redacted – s38\\\\\\(1\\\\\\)\\\\\\(b\\\\\\)\\\\\\]@gov.scot\\\\\]\\\\\(mailto:\\\\\[redacted – s38\\\\\(1\\\\\)\\\\\(b\\\\\)\\\\\]@gov.scot\\\\\)>; \\\\\[redacted – s38\\\\\(1\\\\\)\\\\\(b\\\\\)\\\\\] <\\\\\[\\\\\\[\\\\\\\[redacted – s38\\\\\\\(1\\\\\\\)\\\\\\\(b\\\\\\\)\\\\\\\]@gov.scot\\\\\\]\\\\\\(mailto:\\\\\\[redacted – s38\\\\\\(1\\\\\\)\\\\\\(b\\\\\\)\\\\\\]@gov.scot\\\\\\)>; \\\\\\[redacted – s38\\\\\\(1\\\\\\)\\\\\\(b\\\\\\)\\\\\\] \\\\\\(Justice\\\\\\) <\\\\\\[\\\\\\\[redacted – s38\\\\\\\(1\\\\\\\)\\\\\\\(b\\\\\\\)\\\\\\\]@gov.scot\\\\\\]\\\\\\(mailto:\\\\\\[redacted – s38\\\\\\(1\\\\\\)\\\\\\(b\\\\\\)\\\\\\]@gov.scot\\\\\\)>; \\\\\\[redacted – s38\\\\\\(1\\\\\\)\\\\\\(b\\\\\\)\\\\\\] <\\\\\\[\\\\\\\[\\\\\\\\[redacted – s38\\\\\\\\(1\\\\\\\\)\\\\\\\\(b\\\\\\\\)\\\\\\\\]@gov.scot\\\\\\\]\\\\\\\(mailto:\\\\\\\[redacted – s38\\\\\\\(1\\\\\\\)\\\\\\\(b\\\\\\\)\\\\\\\]@gov.scot\\\\\\\)>; \\\\\\\[redacted – s38\\\\\\\(1\\\\\\\)\\\\\\\(b\\\\\\\)\\\\\\\] <\\\\\\\[\\\\\\\\[redacted – s38\\\\\\\\(1\\\\\\\\)\\\\\\\\(b\\\\\\\\)\\\\\\\\]@gov.scot\\\\\\\]\\\\\\\(mailto:\\\\\\\[redacted – s38\\\\\\\(1\\\\\\\)\\\\\\\(b\\\\\\\)\\\\\\\]@gov.scot\\\\\\\)>; \\\\\\\[redacted – s38\\\\\\\(1\\\\\\\)\\\\\\\(b\\\\\\\)\\\\\\\]\\\\\\]\\\\\\(mailto:\\\\\\[redacted – s38\\\\\\(1\\\\\\)\\\\\\(b\\\\\\)\\\\\\]</p></div><div data-bbox=\\\\\\)\\\\\]\\\\\(mailto:\\\\\[redacted –</p></div><div data-bbox=\\\\\)\\\\]\\\\(mailto:\\\\[redacted –</p></div><div data-bbox=\\\\)\\\]\\\(mailto:\\\[redacted –</p></div><div data-bbox=\\\)\\]\\(mailto:\\[redacted –</p></div><div data-bbox=\\)\]\(mailto:\[redacted –</p></div><div data-bbox=\)](mailto:[redacted –</p></div><div data-bbox=)

<[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; Communications Social Justice, Housing & Local Government

<CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>; Communications Justice

<CommunicationsJustice@gov.scot>; [redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>;

[redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; Gollan J (Jennie)

<Jennie.Gollan@gov.scot>; Campbell J (Jeanette) (Special Adviser) <Jeanette.Campbell@gov.scot>;

[redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)] <[\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted – s38\(1\)\(b\)\] <\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; Director for](mailto:[redacted –</p></div><div data-bbox=)

Equality, Inclusion and Human Rights <DirectorforEIHR@gov.scot>

Subject: Briefing - Commencement of the Hate Crime and Public Order (S) Act 2021 - meeting with justice partners

PS/ Minister for Equalities and Older People

PS/ Cabinet Secretary for Justice and Veterans

Please see attached briefing ahead of the meeting with justice partners on 31 August

Kind regards

[redacted – s38(1)(b)]

[redacted – s38(1)(b)] | Connected Communities Unit



Email Correspondence, 11 August 2022

From: [redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>

Sent: 11 August 2022 13:35

To: Minister for Equalities and Older People <MinisterEOP@gov.scot>; Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

Cc: Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>; Minister for Community Safety <MinisterCS@gov.scot>; DG Communities

<DGCommunities@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director of Justice

<DirectorofJustice@gov.scot>; Director for Ukraine Resettlement

<DirectorUkraineResettlement@gov.scot>; Director of Safer Communities

<DirectorofSaferCommunities@gov.scot>; Marshall R (Robert) <Robert.Marshall@gov.scot>; Donald

AE (Anna) <Anna.Donald@gov.scot>; Somers J (John) <John.Somers@gov.scot>; [redacted –

s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)] <[\[s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted – s38\(1\)\(b\)\] <\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted –](mailto:[redacted –</p></div><div data-bbox=)

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s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)] <[\[s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted – s38\(1\)\(b\)\] <\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted –](mailto:[redacted –</p></div><div data-bbox=)

s38(1)(b)] (Justice) <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)]

<[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)]

<[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; Communications Social Justice, Housing & Local Government

<CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>; Communications Justice

<CommunicationsJustice@gov.scot>; [redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>;

[redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; Gollan J (Jennie)

<Jennie.Gollan@gov.scot>; Campbell J (Jeanette) (Special Adviser) <Jeanette.Campbell@gov.scot>;

[redacted – s38(1)(b)] <[\[redacted – s38\(1\)\(b\)\]@gov.scot](mailto:[redacted – s38(1)(b)]@gov.scot)>; [redacted – s38(1)(b)] <[\[s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>; \[redacted – s38\(1\)\(b\)\] <\[\\[redacted – s38\\(1\\)\\(b\\)\\]@gov.scot\]\(mailto:\[redacted – s38\(1\)\(b\)\]@gov.scot\)>](mailto:[redacted –</p></div><div data-bbox=)

Subject: RE: Routine Submission - Commencement Advice - Hate Crime and Public Order (S) Act 2021 - 22 July 2022

Hi [redacted – s38(1)(b)]

New draft attached with SCTS contact included.

In addition to the Lord Advocate, email addresses to send to are:

[\[redacted – s38\(1\)\(b\)\]@scotcourts.gov.uk](mailto:[redacted – s38(1)(b)]@scotcourts.gov.uk) – Eric McQueen

[\[redacted – s38\(1\)\(b\)\]@scotland.police.uk](mailto:[redacted – s38(1)(b)]@scotland.police.uk) – DCC Fiona Taylor

Please also copy to:

[\[redacted – s38\(1\)\(b\)\]@scotland.police.uk](mailto:[redacted – s38(1)(b)]@scotland.police.uk) – ACC Gary Ritchie

Thank you!

[redacted – s38(1)(b)]

[redacted – s38(1)(b)] | Connected Communities Unit



[redacted – s38(1)(b)]

[redacted – s38(1)(b)] | Connected Communities Unit



invite is extended to strategic leads in COPFS and SCTS – officials will work to identify who this should be directed to.

If Ministers are agreeable, I will draft a letter to issue to DCC Fiona Taylor, COPFS and SCTS.

Happy to discuss if that would be helpful

Many thanks

[redacted – s38(1)(b)]

[redacted – s38(1)(b)] | Connected Communities Unit



MINISTER FOR EQUALITIES AND CABINET SECRETARY FOR JUSTICE
MEETING WITH JUSTICE PARTNERS ON HATE CRIME ACT COMMENCEMENT

What	Meeting with PS, COPFS and SCTS to agree a commencement date for the Hate Crime and Public Order (Scotland) Act 2021
When	4pm – 5pm, 31 August , Pre-meet, 1.15pm 31 August
Where	Virtual – MS Teams
Who	Deputy Chief Constable Fiona Taylor Assistant Chief Constable Gary Ritchie Assistant Chief Constable Kenny MacDonald [redacted – s38(1)(b)] Solicitor General for Scotland, Ruth Charteris QC David Fraser, Executive Director Court Operations
Why	<p>To agree a commencement date/period for the Hate Crime and Public Order (Scotland) Act 2021 (the Act) with justice partners and discuss possible contingency planning if necessary</p> <p>Officials have been working with justice partners to ensure effective implementation however agreement on a suitable commencement date is yet to be reached. The Scottish Government would wish to move to a position where a date in 2023 for commencement can be agreed if possible.</p> <p>Advice was sent to Ministers in July 2022 seeking agreement on a spring/summer 2023 commencement date following a letter from PS seeking to align Act commencement with the rollout of their new National Crime and Case systems (at that time due to be complete spring/summer 2023). [redacted - s30(b)(i)]. Following this advice it was agreed a meeting with justice partners was needed to agree a commencement and contingency plan.</p> <p>However, since that advice, PS have advised the systems will not be ready until December 2023. It is becoming ever more apparent of the need for a meeting with Ministers and senior representatives with PS, COPFS and SCTS to agree an approach to commencement and to better understand risks and dependencies.</p>
Official support	[redacted – s38(1)(b)], Connected Communities [redacted – s38(1)(b)] and [redacted – s38(1)(b)], Criminal Justice [redacted – s38(1)(b)], Justice Transformation Delivery Unit
Agenda	<ol style="list-style-type: none"> 1. Welcome and introductions, 2. IT requirements to support implementation of the Act + associated timeframes 3. Other requirements for implementation of the Act
Main objective	Agree commencement date/period for the Act; agree a contingency approach to commencement; and better understand risks, dependencies and impacts of preferred approach.
Additional Briefing	<ul style="list-style-type: none"> • Annex A: Ministerial letter to partners • Annex B: ACC Ritchie letter • Annex C: [redacted - s30(b)(i)] • Annex D: [redacted - s30(c)] • Annex E: Additional briefing - Hate Crime

**MINISTER FOR EQUALITIES AND CABINET SECRETARY FOR JUSTICE
MEETING WITH JUSTICE PARTNERS ON HATE CRIME ACT COMMENCEMENT**

ITEM 1	Welcome and Introductions (Ms McKelvie to lead)
Issue/ background	<p>Letter inviting partners to this meeting attached at Annex A.</p> <p>DCC Fiona Taylor requested to bring both ACC Gary Ritchie and ACC Kenny MacDonald who have an interest in hate crime within PS. The [redacted – s38(1)(b)] form PS ICT dept is also attending. [redacted – s38(1)(b)] will be attending to provide support.</p> <p>The Solicitor General for Scotland, Ruth Charteris QC is attending on behalf of the Lord Advocate who is on leave. [redacted – s38(1)(b)] (policy) and [redacted – s38(1)(b)] (IT) will also be attending from COPFS to provide support.</p> <p>David Fraser, Executive Director Court Operations, will be attending in place of Eric McQueen, Chief Executive of SCTS. [redacted – s38(1)(b)], Legislation Manager in SCTS will be attending to provide support.</p> <p>Background Officials met with counterparts in PS, SCTS and COPFS in preparation for this meeting and have established links within each organisation who we engage with regularly on the subject of hate crime, including Act implementation</p> <p>Justice officials are engaging regularly with justice partners in regards to the requirement to update the data standard used for charge aggravator codes</p>
Key message(s)	<ul style="list-style-type: none"> • We are eager that a commencement approach and date is agreed at this meeting

**MINISTER FOR EQUALITIES AND CABINET SECRETARY FOR JUSTICE
MEETING WITH JUSTICE PARTNERS ON HATE CRIME ACT COMMENCEMENT**

<p>ITEM 2</p>	<p>IT requirements to support implementation of the Act + associated timeframes (Mr Brown to lead)</p>
<p>Issue/ background</p>	<p>IT issues have been the main stumbling block in terms of ability within COPFS, PS and SCTS to implement the Hate Crime Act. Each organisation requires IT updates to commence the Act in full. In addition, Police Scotland is undergoing their own internal IT system update project which has relevance for their ability to be ready for commencement. Therefore covering the IT issues and dependencies will be the most substantial issue in terms of reaching agreement on a commencement date.</p> <p>New data standard for aggravator codes A key IT challenge is the need to update and modernise the data standard used to communicate charge aggravator codes.</p> <p>The system used to record and share charge aggravator codes is nearly exhausted of new, available codes. This is problematic as the Hate Crime Act needs 7 new charge aggravator codes – more than what is currently available. As such, a cross-partner programme of work has been initiated, to update and modernise the data standard used to create and communicate these charge aggravator codes and thus to accommodate new aggravations (including those in the Hate Crime Act). The programme is expected to take a minimum of 6 months once a Delivery Manager is in place. SG providing oversight to this work.</p> <p>However Police Scotland’s position remains that the full rollout of Police Scotland’s new National Crime and Case systems needs to be completed before new charge aggravator codes can be implemented.</p> <p>Police Scotland system updates</p> <ul style="list-style-type: none"> • On 9 February 2022, Police Scotland wrote to the Justice and Equalities Directors (Annex B) to indicate that a commencement date of the Hate Crime Act was not feasible prior to the rollout of their new National Crime and Case systems in 2023. In this letter they committed to a spring/summer completion date. • However, Police Scotland new National Crime and Case systems full Scotland-wide rollout is now due <u>December 2023</u>. We understand there are a number of issues impacting delivery of this including retirement of officers + additional legislative pressures. Capita are currently carrying out an Impact Assessment which will provide further detail on timeframes and resource required to develop the new CMS by December 2023. • ACC Ritchie indicated in his letter that a commencement date prior to the new system rollout was not feasible and recent discussions with PS suggest they are maintaining this position despite the slip in the rollout date for the new National Crime and Case systems. <p>Section 14 + 15 – disaggregated data</p> <ul style="list-style-type: none"> • While the substantive criminal law provisions in the Act are contained in sections 1 to 13 of the Act, section 14 and section 15 provide for requirements for information relating to offences

MINISTER FOR EQUALITIES AND CABINET SECRETARY FOR JUSTICE
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	<p>recorded under the Act and convictions arising in the courts to contain disaggregated data such as, for example, not simply that a religious aggravation has occurred but also the specific religion it relates to.</p> <ul style="list-style-type: none"> • These are completely new requirements falling on justice agencies for how hate crime offences are recorded. • We understand that a suite of modifier codes could be used and attached to each characteristic to provide the level of detail required by these sections. Initial discussions are promising that this can be delivered fairly easily as part of wider systems updates. • Officials are working with JAS and stakeholders to determine what the sub-categories should be and hope to have this finalised by November this year. • The new National Crime and Case systems will make it easier for officers to record disaggregated data. <p>[redacted - s30(b)(i)]</p>
Key message(s)	<ul style="list-style-type: none"> • We recognise the importance of ensuring our approach to implementation of the Act, including commencement, is developed in partnership with all justice bodies. We note the significant challenges associated with implementation of this particular Act, not solely due to the Act itself but to the timing of the passage of the Act in regards to the capability of existing justice IT systems • It has been 18 months since the Act has passed, following almost a year of scrutiny. It is our view that the length of time that has already passed highlights the critical need to fix a reasonable and proportionate commencement date, so that victims of these crimes are afforded the full protection of the criminal law and that the will of the Scottish Parliament to see a consolidated, modernised and extended hate crime legislative framework is realised.
Suggested question(s)	<ul style="list-style-type: none"> • Police to confirm Dec 2023 as the new target date for national rollout of new crime and case system and that commencement can't be decoupled from rollout. • [redacted - s30(b)(i)] • Seek views from PS on further delays to new system • [redacted - s30(b)(i)]
What will be raised	<ul style="list-style-type: none"> • [redacted - s30(c)]

MINISTER FOR EQUALITIES AND CABINET SECRETARY FOR JUSTICE
MEETING WITH JUSTICE PARTNERS ON HATE CRIME ACT COMMENCEMENT

ITEM 3	Other requirements for implementation of the Act (Ms McKelvie)
Issue/ background	<p>Training/guidance</p> <ul style="list-style-type: none"> Each organisation will need to build in time prior to commencement to undertake training. It is not yet clear how much lead time for this is required. <p>Costs</p> <ul style="list-style-type: none"> Now would be an opportune time to revisit implementation costs for the Hate Crime Act and where justice partners will be expected SG to meet these. Justice partners have not yet provided precise costs for implementing the Act. Indicative (and now likely outdated) costs from the Financial Memoranda produced during Bill scrutiny point to implementation costs upwards of £1m for justice partners. <p>Hate crime strategy</p> <ul style="list-style-type: none"> We have committed to publish a new Hate Crime Strategy by the end of 2022 (although note advice will be with the Minister shortly about the need for a delay). The strategy will consider a range of measures to provide the necessary tools and protections to confront hatred where it arises, and to better reflect the needs of our diverse communities. It will complement implementation of the Hate Crime and Public Order (Scotland) Act 2021. In order to effectively develop the strategy a clearer understanding will be needed of what is required for effective implementation Engagement on the development of the new strategy has been clear that there will be a number of areas for Police to consider, particularly around addressing some communities reluctance to engage with the Police when a hate crime happens. [redacted - s30(c)]
Key message(s)	<ul style="list-style-type: none"> The development of a new strategy provides a good opportunity to consider wider commitments in terms of tackling hate crime in Scotland and we look forward to working closely with Police Scotland on that.
Suggested question(s)	<ul style="list-style-type: none"> We note challenges beyond ICT matters shared by justice partners including training and guidance. It would be useful to understand in more detail what is required and how SG can provide support?
What will be raised	<ul style="list-style-type: none"> Need for time to allow for police training prior to commencement + challenges associated with delivering this [redacted - s30(c)]

**MINISTER FOR EQUALITIES AND CABINET SECRETARY FOR JUSTICE
MEETING WITH JUSTICE PARTNERS ON HATE CRIME ACT COMMENCEMENT**

ITEM 4	Next steps (Ms McKelvie)
Issue/ background	<p>This item is to confirm what has been agreed on commencement item 2) and next steps, including what still needs to be agreed or explored further.</p> <p>[redacted - s30(b)(i)]</p> <p>Future engagement</p> <ul style="list-style-type: none"> • The Hate Crime Strategic Partnership will meet on 1 September (official led workshop), following which we will submit advice to the Minister on next steps, including a timeline for publication. • Hate Crime officials are meeting with Ms McKelvie on 20 September to discuss in more detail. • Officials will explore with Police Scotland how to seek agreement on key commitments in the strategy, [redacted - s30(c)]
Key message(s)	<ul style="list-style-type: none"> • It is increasingly in all of our interests to fix a reasonable commencement date for external communication. • We very much look forward to working with each of you to ensure effective implementation of the Hate Crime and Public Order (Scotland) Act 2021.
Suggested question(s)	<ul style="list-style-type: none"> • Seek views on how to communicate this – should there be a joint comms or led by SG?

**MINISTER FOR EQUALITIES AND CABINET SECRETARY FOR JUSTICE
MEETING WITH JUSTICE PARTNERS ON HATE CRIME ACT COMMENCEMENT**

ANNEX C

[redacted - s30(b)(i)]

**MINISTER FOR EQUALITIES AND CABINET SECRETARY FOR JUSTICE
MEETING WITH JUSTICE PARTNERS ON HATE CRIME ACT COMMENCEMENT**

ANNEX D

[redacted - s30(c)]

ADDITIONAL BRIEFING – HATE CRIME

- We have committed to publish a new Hate Crime Strategy by the end of 2022.
- The strategy will consider a range of measures to provide the necessary tools and protections to confront hatred where it arises, and to better reflect the needs of our diverse communities. It will complement implementation of the Hate Crime and Public Order (Scotland) Act 2021.
- The Hate Crime Strategic Partnership Group (SPG) has been convened to help steer the development of the strategy and organisations that have agreed to join the partnership bring with them specific expertise in matters connected to tackling hate crime, eradicating prejudice, fostering community cohesion and advancing equalities and human rights. A collaborative approach is essential to tackling deep rooted prejudice and hate. Police Scotland and COPFS are members of the SPG.
- The SPG have explored outcomes and priorities for the strategy, with agreement that awareness raising, education and prevention, data, reporting and support for victims should feature as key themes. The SPG will meet on the 1 September to explore in more detail the priorities/ commitments for the strategy.
- The voices of those with lived experiences are central to the development of a new Hate Crime Strategy – and members of SPG will support that engagement.
- We will continue to engage beyond the strategic partnership group to gather as many views as possible.
- We are working in partnership with BEMIS and other members of the SPG to design and deliver a conference to coincide with Hate Crime Awareness Week (October 2022).
- The conference will provide an opportunity for those protected under hate crime legislation to inform development of the new Hate Crime Strategy for Scotland and to support engagement with duty bearers including Scottish Government, Police Scotland, COPFS and others with strategic roles in tackling and responding to hate crime.

Hate crime data

- A further ‘deep dive’ of police recorded hate crime data, for the year 2020-21, is due to be published later this year.
- As per the ‘deep dive’ in February 2021, the publication will provided greater, disaggregated data on the nature of hate crime in Scotland – including further information on victims and perpetrators, and the types of characteristics targeted.
- Once in force, the Hate Crime Act will ensure the publication of this rich data on an annual basis.
- [redacted - s30(b)(i)]

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Fiona Taylor,
Deputy Chief Constable, Police Scotland

Rt Hon Dorothy Bain QC, Lord Advocate

Eric McQueen, Chief Executive, SCTS

12 August 2022

Dear colleagues

HATE CRIME ACT IMPLEMENTATION: COMMENCEMENT

I am writing to invite you to a meeting with myself and the Cabinet Secretary for Justice and Veterans, Keith Brown, on 31 August from 15:30 to 16:30 on Microsoft Teams to discuss the commencement of the Hate Crime and Public Order (Scotland) Act 2021.

We recognise the importance of ensuring our approach to implementation of the Act, including commencement, is developed in partnership with all justice bodies. We note the significant challenges associated with implementation of this particular Act, not solely due to the Act itself but to the timing of the passage of the Act in regards to the capability of existing justice IT systems.

It is important, however, to note that it has been 18 months since the Scottish Parliament voted to pass the Act, following almost a year of scrutiny. It is our view that the length of time that has already passed highlights the critical need to fix a reasonable and proportionate commencement date, so that victims of these crimes are afforded the full protection of the criminal law and that the will of the Scottish Parliament to see a consolidated, modernised and extended hate crime legislative framework is realised.

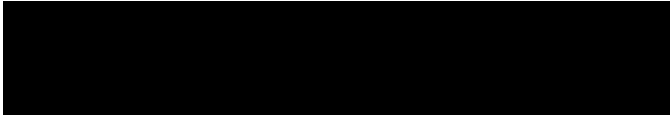
Police Scotland recently wrote to us requesting that the commencement of the Act should be no earlier than Spring 2023, to align with the rollout of Police Scotland's new National Case and Crime systems. We are also aware of further IT change projects required within COPFS and SCTS prior to the full commencement of the Act. Further to this, we also note challenges beyond ICT matters shared by justice partners including training and guidance.

However, as we are sure you understand, there are significant risks associated to tying a commencement date to the readiness of new IT systems. Therefore we would also like to explore at this meeting possible contingency approaches to commencement of parts of the Act should any or all of the IT updates be delayed.

We are eager than a commencement date or period is agreed at this meeting in addition to consideration of workable contingency approaches should the rollout of the new justice IT systems be delayed.

We very much look forward to working with each of you to ensure effective implementation of the Hate Crime and Public Order (Scotland) Act 2021.

Yours sincerely,



CHRISTINA MCKELVIE

OFFICIAL

Our Ref: PPCW 16.22
Date: 09 February 2022



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Dear Mr Rennick and Ms Byrne

LEGISLATIVE IMPACT ON ICT PROGRAMME OF CHANGE

At the recent Justice IT Systems meeting on 10 January 2022 associated justice sector partners were asked to consider and present provisions which would be required to support implementation of the Hate Crime & Public Order (Scotland) Act 2021 this year.

Police Scotland has repeatedly reported to Scottish Government that we are undertaking a significant ICT programme of change. New National Crime and Case systems are currently being deployed across Police Scotland, replacing the disparate Crime and Case systems estate that was inherited from legacy Forces. The rollout is ongoing and current plans indicate that the process will be completed by the end of the first quarter of 2023. This is already a challenging timeline given the impact we have seen with Covid abstractions and redeployments of critical staff to support front-line policing.

In previous correspondence to the Cabinet Secretary, I outlined that our evidenced recommendation and preferred option was that Police Scotland does not agree to a date of commencement earlier than 2023 and it would not be possible to implement a short term fix.

The issues that are causing delay to implementation of this legislation are not only restricted to ICT in Police Scotland. There are constraints on operational policing resources; training resources and scheduling capacity; data engineering resources; and business intelligence reporting capability and capacity, all of which means that implementation in 2022 is impractical. Police Scotland is not the only criminal justice sector partner that is affected by such constraints. Justice sectors partners have all expressed concern around 2022 implementation dates for the legislation.

It is Police Scotland's position and recommendation that the introduction of new legislation requiring significantly expanded use of charge aggravators (and therefore an associated change

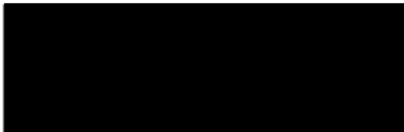
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to ISCJIS Data Standards and ISCJIS Standard XML Schema), only be implemented following the completion of National Crime and Case rollout in Spring 2023.

Police Scotland also recommend the ISCJIS Data Standards Board requires to be reinstated. The reconvening of this group would allow for strategic discussion between partners and the development of formal proposals in relation to revisions to the ISCJIS Data Standard to account for the required increase in aggravators and to consider any other key data standard considerations that may emerge.

I trust this information is of use to you.

Yours sincerely



Gary Ritchie
Assistant Chief Constable



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Date: 26 September 2022

Our Ref: PPCW 73.22

Christina McKelvie MSP
Minister for Equalities & Older People

By email: MinisterEOP@gov.scot

Keith Brown MSP
Cabinet Secretary for Justice & Veterans

By email: CabSec.JV@gov.scot



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Dear *Ms McKelvie & Mr Brown,*

HATE CRIME AND PUBLIC ORDER (SCOTLAND) ACT

Further to our meeting on Wednesday 31 August 2022, I wish to take the opportunity to formally restate Police Scotland's position in respect of establishing an implementation date for the Hate Crime and Public Order (Scotland) Act.

From the outset, Police Scotland has supported this legislation and we acknowledge its importance in enhancing our ability to protect some of the most vulnerable communities in Scotland. The principles of the Act also reflect our own organisational values and our commitment to being a human rights based organisation, which not only protects and upholds people's rights, but helps them to assert those rights when faced with challenge. I would echo your sentiment that the implementation delay has been frustrating and I also acknowledge that there will be significant public scrutiny around the implementation of this Act and the manner in which it is adopted. It is for that reason that we are committed to working collaboratively with government and justice partners to ensure that the principles and instruments of the bill are delivered as intended for the people of Scotland.

Police Scotland has been clear from the outset that the delivery of this legislation requires to coincide with our roll-out of COS Crime system, which will replace the disparate Crime and Case systems estate which were inherited from the legacy police forces. This is a critical element of what is a massive and complex project and requires significant resources to co-ordinate and deliver effectively.

At present the completion date is December 2023, around 6 months later than initially projected. As stated in our meeting, the delays to implementation are in relation to data

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migration procedures which require to be carried out comprehensively and with pinpoint accuracy to ensure that there are no inaccuracies in historic data held by the service. I am hopeful that the more we navigate the complexities of the data migration processes throughout implementation, the more practiced and efficient we will become in managing such a high volume of data. Because of this, and without giving any guarantees, there is potential, as the rollout progresses, that the current scheduled date of completion may be brought forward, however I am sure you will understand that I am reluctant to make any commitments in this respect until I am able to do so with confidence.

We also discussed the training commitment required for the new act and Ms McKelvie was kind enough to point out the quality and success of other forcewide training programmes we have delivered recently. In order to ensure the implementation of the Act within a reasonable timescale, it is not our intention to develop a course as comprehensive as the course Ms McKelvie referred to, but I am sure you will agree that it is critical to the success of the implementation of the Act, as well as to public confidence, that we ensure that officers are as well informed as possible on the nuances of the legislation and the principles and powers which it proscribes. Consequently, the development and delivery of the training package will also be a significant undertaking for the service although I am confident that we will be able to achieve this within the current suggested timescales.


The delivery of training and the development of COS to reflect the reporting principles of the Act are contingent on the requirements from government as to reporting conditions and business processes. These need to be detailed and comprehensive to allow us to build the necessary packages, processes, policies and procedures to support the implementation in the service. We still await clarity on what these requirements will be and I would be happy to commit to working closely with the SG implementation team in finalising these as soon as possible, which will allow us to commence the detailed development work required.

At the meeting you also requested to be notified of any assistance justice partners will need in delivering the Act. I would ask that consideration is given to the establishment of a Scottish Government led, Cross-Justice Training sub-group to ensure that experts in our respective areas can meet and progress inter-dependent workstreams.

Finally, there was discussion about how Scottish Government should be engaging with stakeholders to explain delays. To support this, I can offer Police Scotland's associated business leads to meet with the stakeholders as part of a cross-justice contingent. My office will be able to help determine availability and arrange any required meetings.

I am grateful that we had the opportunity to discuss the challenging areas regarding the implementation of the Act and I look forward to continuing this collaborative approach.

Yours sincerely,



Fiona Taylor QPM
Deputy Chief Constable

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Fiona Taylor, QPM
Deputy Chief Constable
Police Scotland

26 October 2022

Dear DCC Taylor

HATE CRIME AND PUBLIC ORDER (SCOTLAND) ACT 2021 IMPLEMENTATION

Thank you for your letter dated 27 September about the Hate Crime and Public Order (Scotland) Act 2021 and following our meeting on 31 August 2022.

As discussed at our recent meeting, the Cabinet Secretary for Justice and I understand that Police Scotland wish to complete the rollout of its new Crime and Case Management System prior to the commencement of the Hate Crime Act. We recognise the complexity and scale of this project and the challenges associated with commencing the Act prior to its completion.

In regards to training, we agree that this is of key importance to ensure effective implementation of the Act and we are keen to work with Police Scotland and other justice partners to support this where possible.

You also ask about the data reporting provisions within the Act and highlight the need for the new system to be developed in line with these requirements. With this in mind, officials have been working with stakeholders to produce a guidance document for Police Scotland which includes subcategories under each characteristic. A document will be ready in the coming weeks and a draft will be shared with Police Scotland to consider.

In terms of next steps, we agree that a more formal structure of engagement needs to be in place to ensure progress can be made as we work towards an agreed commencement period. Officials have established a Scottish Government led Working Group with key partners to make progress in areas including guidance and training, public awareness raising and data and evidence. This group will report into the Ministerial led Oversight Group, consisting of Police Scotland, SCTS and COPFS that you are part of and which met previously in August.

The Cabinet Secretary for Justice and I invite you to attend the next meeting of the Oversight Group on 6 December from 15:00 to 16:00 on Microsoft Teams. At this meeting we would like to review the CoS rollout timeline with a view to agreeing a commencement period for public communication. We appreciate the reasons for the delay to the rollout of CoS and note that this timeline may be brought forward depending on the accuracy of the data migration process. We look forward to receiving an update on progress at the meeting.

We appreciate your offer to support engagement with stakeholders in regards to the delay to commencing the Hate Crime Act and our officials will be in touch to make necessary arrangements.

I would also like to highlight the work underway to develop a new Hate Crime Strategy for Scotland which will support the implementation of the Hate Crime Act. We are working in partnership with stakeholders, including Police Scotland as we take this forward. The key themes include reporting, including third party reporting; raising awareness; data and evidence; education and prevention; and support for victims and witnesses. I am sure you will agree that Police Scotland has a key role in in tackling hate crime and is therefore instrumental in the development and delivery of the strategy. Therefore over the coming weeks my officials will be working with Police Scotland to develop draft commitments and actions, reflecting the work already underway within Police Scotland to develop its own Equality, Inclusion and Human Rights strategy. Given the role of the hate crime strategy in supporting implementation of the Act, it would be helpful to be clear about the commencement timeline when we publish.

We very much look forward to continuing to work with Police Scotland and thank both you and your officials for the productive engagement on these issues to date.

Yours sincerely,



CHRISTINA MCKELVIE



FOI – 202200331304

Annex G

Reasons for Not Providing Information

Section 30(b)(i) – free and frank provision of advice

An exemption under section 30(b)(i) of FOISA (free and frank provision of advice) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to other officials and Ministers before the Scottish Government reaches a settled public view. Disclosing the content of free and frank advice on the implementation of the Hate Crime and Public Order (Scotland) Act 2021 will substantially inhibit the provision of such advice in the future, particularly because these discussions are still ongoing and decisions have not been taken.

This exemption is subject to the ‘public interest test’. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing a private space within which officials can provide full and frank advice to other officials and Ministers, as part of the process of exploring and refining the Government’s position on the implementation of the Hate Crime and Public Order (Scotland) Act 2021, until the Government as a whole can adopt a decision that is sound and likely to be effective. This private thinking space is essential to enable all options to be properly considered, based on the best available advice, so that good decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the decision making process, which would not be in the public interest.

Section 30(c) – substantial prejudice to the effective conduct of public affairs [in relation to communications/meetings with external stakeholders]

An exemption under section 30(c) of FOISA (prejudice to effective conduct of public affairs) applies to some of the information requested. It is essential for Ministers and officials to be able to communicate and, often in confidence, with external stakeholders on a range of issues including in relation to the implementation of the Hate Crime and Public Order (Scotland) Act 2021. Disclosing the content of these communications and information about these meetings, particularly without the consent of the stakeholder, is likely to undermine their trust in the Scottish Government and will substantially inhibit communications on this type of issue in the future. These stakeholders will be reluctant to participate in meetings and/or provide their views fully and frankly if they believe that their views are likely to be made public, particularly while these discussions are still ongoing and decisions have not been taken, and/or these discussions relate to a sensitive or controversial issue such as implementation of the Hate Crime and Public Order (Scotland) Act 2021. This would significantly harm the Government's ability to carry out many aspects of its work, and could adversely affect its ability to gather all of the evidence it needs to make fully informed decisions.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing Ministers and officials a private space within which to communicate and meet with appropriate external stakeholders as part of the process of exploring and refining the Government's position on implementation of the Hate Crime and Public Order (Scotland) Act 2021, until the Government as a whole can adopt a decision that is sound and likely to be effective. This private space is essential to enable all options to be properly considered, so that good decisions can be taken based on fully informed advice and evidence, such as that provided by justice partners. Premature disclosure is likely to undermine the full and frank discussion of issues between the Scottish Government and these stakeholders, which in turn will undermine the quality of the decision making process, which would not be in the public interest.

Section 38(1)(b) – applicant has asked for personal data of a third party

An exemption under section 38(1)(b) of FOISA (personal information) applies to some of the information requested because it is personal data of a third party, i.e., names, email addresses, telephone numbers and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.