

From: [Deborah Smith](#)
To: [Deputy First Minister and Cabinet Secretary for Finance; Minister for Parliamentary Business](#)
Cc: [REDACTED] [Senior Resourcing & Staffing Team - Projects;](#) [REDACTED] [Permanent Secretary;](#)
[DG Corporate; DG Strategy and External Affairs;](#) [REDACTED] [Ian Mitchell;](#) [Colin McAllister;](#) [Andrew Bruce;](#) [REDACTED]
Subject: urgent - for information - Ministerial submission on release of SCS Register of Interest under FoI
Date: 25 May 2023 11:57:39
Attachments: [Ministerial Submission SCS ROI FOI .docx](#)

PS/DFM
PS/Minister for Parliamentary Business

I attach a for information submission on a forthcoming FoI release.

Best wishes
Deborah

Deborah Smith (she/her)
Deputy Director, Senior Projects
People Directorate
[REDACTED]

Please note I work a flexible 29 hour week, including some hours outside the normal working day. If you need an urgent response from me please call me on
[REDACTED]

From: **Deborah Smith**

Deputy First Minister
Minister for Parliamentary Business,

Release of SCS Registers of Interest under FOISA request

Priority and Purpose

1. This submission makes Ministers aware of the impending release (and consequent publication on gov.scot) of the SCS Registers of Interest. This release of information follows a request under FOISA dating back to August 2021.
2. The priority of this submission is **urgent**, owing to previous commitments made to Senior Civil Servants to release this information on or shortly thereafter 30th May 2023.

Recommendation

3. This submission is for noting. Ministers are being made aware given the potential for external scrutiny on interests being released as part of the response from Scottish Government.; and the potential interest in the delay in responding.

Context and Issues

4. Since August 2021, the Senior Staffing Team has been carrying out consultation on behalf of Scottish Government regarding the release of SCS members' Registers of Interests (ROI), following a request for information under FOISA.
5. Following extensive advice from data protection, SGLD, and FOI colleagues, the Scottish Government is now able to release (and consequently publish on gov.scot) the information requested.

Options Considered and Advice

6. The team, upon initial receipt of the request under FOISA worked to understand whether there were grounds to apply an exemption to the release of the request, and ultimately made the decision that the information should be released, albeit in a redacted format, under FOISA legislation.
7. The team therefore have focussed efforts on redacting information where appropriate to ensure the response complies with legislative requirements, while taking into account any legitimate grounds to redact information relating to individuals with entries on the Registers of Interest.

Assessment of Options

8. Redactions have focussed on several areas, including where there has been information provided that would suggest releasing information would cause significant distress or harm to the individual; where there are concerns relating to

fraudulent activity arising from information released; and where family members' information has been held which can reasonably be classed as financial rather than business interest (note that the interest has not been redacted, but rather the family member e.g. 'brother'). These redactions have largely been under S38(1) (b) of the FOISA 2002 legislation.

Bute House Agreement Implications

9. This personnel matter has no implications regarding the Bute House Agreement.

Financial and Legal Considerations

10. Engagement with colleagues has included SGLD colleagues, who have particularly supported on written communication with SCS colleagues who have been distressed by the potential release.

Sensitivities

11. As of May 2023, there are a number of SCS who continue to raise strong objections to this information being released and published, on the basis that they were not explicitly told when submitting information that it might be released.

12. The Senior Staffing team continue to engage with these remaining SCS but are in a position where they are unable to justify any further amendments to information due to be released.

13. FDA has raised concerns about the Scottish Government's intention to publish this information as well as release the information as per our legal obligation under FOISA. We have established internally that in the interests of transparency in government we cannot make an exemption for this single case, and have confirmed this with FDA.

14. The response also notes that, due to a technical error, this extract from the Registers of Interest was produced on 25 November 2021, rather than the date specified in the original request (August 2021).

Conclusions and next Steps

15. As set out above, this Submission is for awareness only.


16. Internal and external comms staff have been kept fully informed of plans for release of the information and consequent publication. There is a strong likelihood of media interest, not least from the journalist who originally requested the information. Likely points of controversy include the time taken to release the information (just under two years). However, no individual entries have been flagged to the team as being particularly contentious.

Deborah Smith
People Directorate



25 May 2023

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness

Copy list
Perm Sec DG Corporate DG Strategy & External Affairs Nicola Richards Andy Bruce Ian Mitchell Colin McAllister 

From: [REDACTED] on behalf of [Minister for Parliamentary Business](#)
To: [Deborah Smith](#); [Deputy First Minister and Cabinet Secretary for Finance](#); [Minister for Parliamentary Business](#)
Cc: [REDACTED] [Senior Resourcing & Staffing Team - Projects](#); [REDACTED] [Permanent Secretary](#); [DG Corporate](#); [DG Strategy and External Affairs](#); [REDACTED]; [Ian Mitchell](#); [Colin McAllister](#); [Andrew Bruce](#); [REDACTED]
Subject: RE: urgent - for information - Ministerial submission on release of SCS Register of Interest under FoI
Date: 30 May 2023 15:04:45

Hi Deborah

I can confirm Mr Adam has noted for his interests.

Thanks

[REDACTED]
[REDACTED]

Deputy Private Secretary to Minister for Parliamentary Business

M: [REDACTED] E: MinisterforPB@gov.scot

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

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From: Deborah Smith <Deborah.Smith@gov.scot>

Sent: 25 May 2023 11:58

To: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Minister for Parliamentary Business <MinisterforPB@gov.scot>

Cc: [REDACTED] Senior Resourcing & Staffing Team - Projects <SCSProjects@gov.scot>; [REDACTED]; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; DG Strategy and External Affairs <DGSEA@gov.scot>; [REDACTED]
[REDACTED] Ian Mitchell <Ian.Mitchell@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; [REDACTED]
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Deputy Director, Senior Projects

People Directorate

[REDACTED]

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From: [REDACTED] on behalf of [Deputy First Minister and Cabinet Secretary for Finance](#)
To: [Deborah Smith](#); [Deputy First Minister and Cabinet Secretary for Finance](#); [Minister for Parliamentary Business](#)
Cc: [REDACTED]; [Senior Resourcing & Staffing Team - Projects](#); [REDACTED]; [Permanent Secretary](#); [DG Corporate](#); [DG Strategy and External Affairs](#); [REDACTED]; [Ian Mitchell](#); [Colin McAllister](#); [Andrew Bruce](#); [REDACTED]
Subject: RE: urgent - for information - Ministerial submission on release of SCS Register of Interest under FoI
Date: 31 May 2023 17:02:31

Deborah,
DFM has noted.
Kind regards,

[REDACTED] (she/her)

Deputy Private Secretary to the Deputy First Minister and Cabinet Secretary for Finance – Shona Robison MSP

The Scottish Government

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

T: [REDACTED] | E: DFMCSF@gov.scot

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From: [REDACTED] on behalf of [Lord Advocate](#)
To: [Deborah Smith](#)
Cc: [Legal Secretariat to the Lord Advocate](#); [Lord Advocate](#); [Solicitor General](#); [REDACTED]; [Senior Resourcing & Staffing Team - Projects](#); [REDACTED]; [Permanent Secretary](#); [DG Corporate](#); [DG Strategy and External Affairs](#); [REDACTED]; [Ian Mitchell](#); [Colin McAllister](#); [Andrew Bruce](#); [REDACTED]; [Deputy First Minister and Cabinet Secretary for Finance](#); [Minister for Parliamentary Business](#)
Subject: RE: urgent - for information - Ministerial submission on release of SCS Register of Interest under FoI
Date: 31 May 2023 13:54:21

Good afternoon Deborah,
The Law Officers have been forwarded your submission. The Law Officers should be copied into any briefing to Ministers which refers to legal advice and such briefing should be prepared with SGLD input.

Thanks,

[REDACTED]
Deputy Private Secretary – Solicitor General

Crown Office

25 Chambers Street

Edinburgh, EH1 1LA

Email: SolicitorGeneral@gov.scot

Phone: [REDACTED]

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