

## Item 1

**From:** [redacted]  
**Sent:** Wednesday, February 23, 2022 11:06 AM  
**To:** Patricia Findlay  
**Subject:** UK model

H Tricia,

It was good to catch up.

Here's the section I referred to – very interested in any comments/thoughts but particularly regarding any references you can suggest for the 'deregulation' paragraph?

It's an early first draft so likely to change substantially.

Let me know when you might be around for a coffee?

Thanks!

[redacted]

[redacted] / [Constitutional Futures Division / Scottish Government](#) / [redacted]

## Item 2

**From:** [redacted] **On Behalf Of** Constitutional Futures  
**Sent:** Thursday, July 13, 2023 9:42 AM  
**To:** Patricia Findlay  
**Subject:** Freedom of Information request

Good morning,

I am writing to advise you that the Scottish Government has received a request under the Freedom of Information (Scotland) Act 2002 (FOISA) for a list of names of any external individuals or organisations that members of staff working within the Constitutional Futures Division have met with since March 2021.

You have an interest in the information which has been requested because you have attended a meeting which included staff within the Constitutional Futures Division.

Therefore, I am writing to advise you that your name will be included in the list within the response to the FOISA request. We expect this to be issued in the coming days.

I should also explain that we can withhold information only if an exemption under FOISA applies to that information and, where applicable, the public interest in disclosure is not outweighed by the public interest in upholding the exemption. You can find detailed information about FOISA on our website at: <https://www.gov.scot/about/contact-information/how-to-request-information/> or on the Scottish Information Commissioner's website at: <https://www.itspublicknowledge.info/>.

Kind regards

[redacted]  
Constitutional Futures Division  
Directorate for Constitution  
The Scottish Government  
2W, St Andrew's House, Edinburgh, EH1 3DG

### **Section 30(c) (Prejudice to the Effective Conduct of Public Affairs)**

The reason why this exemption applies is because releasing early drafts of Scottish Government publications, which do not reflect final decisions taken, would result in inaccurate information on the Scottish Government's proposals for an independent Scotland being published, thereby undermining the Scottish Government's ability to effectively and accurately engage and communicate with the public.

This in turn would be likely to impair the Government's ability to take forward its work on policy development for an independent Scotland. This would constitute substantial prejudice to the effective conduct of public affairs in terms of the exemption.

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 enabling the Scottish Government to effectively and accurately engage and communicate with the public on its proposals for an independent Scotland without the risk of these proposals being prejudiced by inaccurate information, which doesn't reflect final decisions taken, being released while the Scottish Government's work was still under development on a matter of significant political relevance and controversy.

### **Section 38(i)(b) - Personal Information**

An exemption under section s.38(1)(b) of FOISA (Personal Information) applies to a small amount of the information you have requested because it is the personal data of a third party, i.e. names and contact details of individuals (including civil servants below SCS), 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.