

DOCUMENT 1

From: [redacted]

Sent: 16 September 2021 11:46

To: [redacted] @gov.scot>; [redacted] @gov.scot>; [redacted] @gov.scot[redacted] @gov.scot>

Cc: [redacted] @gov.scot>; [redacted] @gov.scot>; [redacted] @gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - QUICK AND URGENT QUESTION further to our discussion about data accuracy

[redacted],

As discussed at some length yesterday, we can only withhold the information if it is exempt under FOISA. Otherwise we are obliged to disclose. In order for the information to be exempt under section 38(1)(b) of FOISA, it must a) be personal information and b) disclosure must breach the data protection principles. [redacted] As you say, it will be easier to consider with concrete examples, rather than in the abstract.

[redacted]

[redacted] | Head of Policy and Casework | Freedom of Information Unit

[redacted]

[redacted]

[redacted]

From: [redacted]@gov.scot>

Sent: 16 September 2021 11:41

To: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - QUICK AND URGENT QUESTION further to our discussion about data accuracy

Hi [redacted],

[redacted] is busy working on something else just now, but I know she was clear about not publishing incorrect personal data, in line with UK GDPR. But will be able to give clearer guidance once we have a sample to get an idea of the types of information.

Regards,

[redacted]

[redacted]

From: [redacted]@gov.scot>

Sent: 16 September 2021 11:17

To: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - QUICK AND URGENT QUESTION further to our discussion about data accuracy

[redacted],

Further to discussions with [redacted], we have the following advice.

[redacted]

[redacted]

[redacted] | [Head of Policy and Casework](#) | [Freedom of Information Unit](#)

[redacted]

[redacted]

[redacted]

From: [redacted]@gov.scot>

Sent: 16 September 2021 11:01

To: [redacted]@gov.scot>; [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - QUICK AND URGENT QUESTION further to our discussion about data accuracy

Thank you very much [redacted], especially for coming back so quickly. That is what I hoped.

[redacted] and colleagues – [redacted], which I am assuming you will be happy with in the interest of data accuracy. So no further action for you.

[redacted]

[redacted] | [Senior Talent and Staffing Operations Manager](#) | [redacted] |

From: [redacted]@gov.scot>

Sent: 16 September 2021 10:58

To: [redacted]@gov.scot>; [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - QUICK AND URGENT QUESTION further to our discussion about data accuracy

[redacted]

From: [redacted]@gov.scot>

Sent: 16 September 2021 10:49

To: [redacted]@gov.scot>; [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - QUICK AND URGENT QUESTION further to our discussion about data accuracy

[redacted] – can you advise in [redacted] absence please. Thanks.

[redacted]/ colleagues. Please copy in [redacted] in your response.

Thanks

[redacted]

[redacted] | [Senior Talent and Staffing Operations Manager](#) | [redacted] |

[redacted]

From: [redacted]

Sent: 15 September 2021 10:31

To: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: FW: FOI 202100233415 - SCS Register of Interests - Actions to allow us to progress - FOI Unit response

[redacted] | [Senior Talent and Staffing Operations Manager](#) | [redacted] |

From: [redacted]@gov.scot>

Sent: 14 September 2021 18:13

To: [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - Actions to allow us to progress - FOI Unit response

[redacted],

It appears that we've had some version control issues with the third party consultation draft, so I've done it again and I attach a copy.

I'll make enquiries about the ad hoc group.

Thanks,

[redacted]

[redacted] | **Head of Policy and Casework** | **Freedom of Information Unit**

[redacted]

[redacted]

[redacted]

From: [redacted]@gov.scot>
Sent: 14 September 2021 17:14
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - SCS Register of Interests - Actions to allow us to progress - FOI Unit response

[redacted] – this information is *incredibly* helpful. Thank you for taking the time to pull it together. The letter about legitimate interests was a masterpiece – thank goodness I didn't have to draft it. Looking forward to getting the note for consultation with SCS (you will have seen my earlier email that the version you attached didn't appear to be what you intended).

Here's a quick update on where we are:

- we have issued the 'legitimate interest' letter to [redacted]
- we have a discussion tomorrow morning with Data Protection/ Information assurance colleagues so will let you know if anything comes up on the back of that
- I'm aiming to finalise the list of SCS who will be covered and get the extracts from our MI Team ready for consultation tomorrow. Possibly even send some out tomorrow, so good to get that note re consultation from you ASAP.
- Copying [redacted] and [redacted] on this as [redacted] will be picking up this FOI from me over the next couple of days
- Re restricting the file, it needs to be the following people who all have access to our restricted files:
- [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; Smith DR (Deborah) <Deborah.Smith@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot> [redacted]@gov.scot

Thanks

[redacted]

[redacted] | [Senior Talent and Staffing Operations Manager](#) | [redacted] |

From: [redacted]
Sent: 14 September 2021 15:20
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - SCS Register of Interests - Actions to allow us to progress - FOI Unit response

Thanks so much [redacted]

This is very helpful. I'm just taking this in. The consultation letter seems to be an copy of the letter to [redacted]. Could you send me the consultation letter instead please.

Thanks

[redacted]

[redacted] | [Senior Talent and Staffing Operations Manager](#) | [redacted] |

From: [redacted]@gov.scot>

Sent: 14 September 2021 14:59

To: [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - Actions to allow us to progress - FOI Unit response

[redacted],

I attach a draft letter to [redacted] seeking his views on his legitimate interests in obtaining the information. I also attach a draft note to affected SCS staff.

[redacted]

In relation to restricting the file, if only the Senior Staff Team ordinarily have access to the in scope information then that's fine. However, I'm not sure what happened with the previous file that [redacted] had locked down. Previous experience has been that the FOI Unit needs to arrange the restriction with Records Management colleagues, but I wasn't consulted on that restriction (or I might have had something to say about not having access when I provided the bulk of the advice on it!) I will pick that up separately with [redacted], but in the meantime I'll need to know who you want to have access to the file for your interests, and I'll consider for FOI Unit purposes.

Happy to discuss.

[redacted]

[redacted] | **Head of Policy and Casework | Freedom of Information Unit**

[redacted]

[redacted]

[redacted]

From: [redacted]@gov.scot>

Sent: 14 September 2021 12:35

To: [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - Actions to allow us to progress

Thanks [redacted]. Sorry to press. I know you have a lot on.

[redacted]

[redacted] | Senior Talent and Staffing Operations Manager | [redacted]

From: [redacted]@gov.scot>
Sent: 14 September 2021 12:24
To: [redacted]@gov.scot>; [redacted]@gov.scot>
Cc: [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - SCS Register of Interests - Actions to allow us to progress

[redacted],

Sorry, wasn't able to get onto SCOTS for most of the morning and have been in meetings more or less since I did get logged on. Will have a look now.

[redacted]

[redacted] | Head of Policy and Casework | Freedom of Information Unit

M: [redacted]

[redacted]

[redacted]

From: [redacted]@gov.scot>
Sent: 14 September 2021 12:00
To: [redacted]@gov.scot>; [redacted]@gov.scot>
Cc: [redacted]@gov.scot>
Subject: FOI 202100233415 - SCS Register of Interests - Actions to allow us to progress
Importance: High

Hi [redacted], and copying [redacted] as not sure if [redacted] is about.

Please see Teams message I sent this morning – grateful if you would advise. Many thanks

[redacted]

Hi [redacted]. Grateful if you would update me on a few actions re the FOI re Register of interests - The most urgent are: 1) a draft letter to ask [redacted] the reason for requesting the information; 2) text to include in notes to SCS with entries on the Register asking for them to consider; 3) [redacted] Finally, you were to advise about locking down the FOI file to an ad hoc group. Cheers for your help. [redacted]

[redacted] | Senior Talent and Staffing Operations Manager | [redacted] |

- **Draft letter to [redacted] seeking his views on his legitimate interests in obtaining the information – see Document 2 below**

- **NB: Draft note to affected SCS staff and example of the type of information which we see in the Register of Interests – attachments not in email chains that are saved or saved on their own in this file**
-

DOCUMENT 2

Our ref: 202100233415

Dear [name]

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 APPLICATION OF SECTION 38(1)(B) EXEMPTION

Thank you for your request dated 25 August 2021 under the Freedom of Information (Scotland) Act 2002 for:

“1) For each civil servant considered a Senior Civil Servant as of August 25, please provide the following information.

- 1a) Their name, job title, and period working for the government.
- 1b) Their recorded business interests and those of close family members
- 1c) Any shareholdings or other securities/financial interests which they or members of their close family hold
- 1d) Any other financial interest where there is the potential for a conflict of interest to arise as a result of your official position
- 1e) Private interests in organisations where there could be the potential for a conflict of interest to arise, for example membership of clubs, societies and other organisations.”

We have ingathered the information required to respond to your request and we are considering whether any exemptions apply to it. As part of that process, we are considering whether any of the information may be exempt in terms of section 38(1)(b) (personal information) of FOISA.

As you may be aware, we require to decide whether the requested information is personal information and whether one of the conditions set out in section 38(2A) to (2C) of FOISA is met. Additionally, if the condition in question is contained in section 38(2B) or (2C), we must then go on to consider whether the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption.

In order for us to determine whether the first condition in section 38(2A) is met, we have to consider whether disclosure of the requested information would contravene any of the data protection principles in Article 5(1) of the UK GDPR. In considering the lawfulness, fairness and transparency principle (Article 5(1)(a)), we have to identify a lawful basis for the processing of personal information, and in accordance with the Scottish Information Commissioner’s section 38 guidance (see paragraphs

53 and 54) we consider that the legitimate interests gateway (Article 6(1)(f)) is likely to be the only applicable condition.

The Supreme Court has set out three questions that should be considered by authorities in ascertaining whether the legitimate interests gateway is satisfied:

- Does the person making the information request have a legitimate interest in obtaining the personal data?
- If yes, is the disclosure of the personal data necessary to achieve that legitimate interest?
- Even if the processing is necessary to achieve that legitimate interest, is that overridden by the interests or fundamental rights and freedoms of the data subject(s)?

The Commissioner goes on (at paragraph 61 of his guidance) to indicate that it is good practice for public authorities to ask requesters why they want the information in order to help address the first question. The Commissioner notes that requesters are not required to explain why they want the information if they do not wish to do so.

Accordingly, we are writing to you to ask if you wish to explain why you want the information that you have requested. If you wish to do so, it would help us if you could set out the legitimate interest in each of the parts of the request, as it appears to us that the balancing exercise required by the third question is highly fact-sensitive and may vary according to the type of information you have requested. For example, the names and job titles of Senior Civil Servants are routinely disclosed in light of the factors canvassed in the Commissioner's guidance, but some of the other types of information are likely to engage different factors. It would also be helpful if you could separately comment on the legitimate interest in the information about close family members rather than the Senior Civil Servants themselves.

We would reiterate that you are not required to explain why you want the information if you do not wish to do so. However, if you do wish to do so then we would be grateful for your comments by 5 pm on Thursday 16 September so that we can conclude our consideration of applicable exemptions and finalise our response to your request.

Yours sincerely

[name]

DOCUMENT 3

From: [redacted]@gov.scot>

Sent: 22 September 2021 16:08

To: Smith DR (Deborah) <Deborah.Smith@gov.scot>; [redacted]@gov.scot>

Subject: RE: FoI on SCS register of interests

Thanks Deborah, looks to cover all issues well. [redacted] sending on distribution list

From: Smith DR (Deborah) <Deborah.Smith@gov.scot>
Sent: 22 September 2021 15:13
To: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: FOI on SCS register of interests

[redacted] and [redacted]

Let me know what you think of this – and is there a circulation list I can use?

Dear SCS colleagues

You will all have recently received information from my team highlighting that we currently have a Freedom of Information Request looking for information on our SCS register of interests, including family members.

You will appreciate the complexity of the issue; we are working closely with legal colleagues, the FOI Unit and Data Protection to establish the balance between public interest and expectations of privacy.

We are also considering whether the approach for senior civil servants and close family members requires to be the same, and exploring the precedents in Whitehall.

So in short it may be some time before we are in a position to answer the FOI fully, and we have not yet issued notes with details of interests held to those on the register. But it would still be very helpful for you to share with us particular concerns at this stage.

Please also note that as the FOI requested information as held on a particular date, that will be the material that is considered for publication, even if it is inaccurate, out of date or has been subsequently updated (although we can provide further explanation).

I hope that this is helpful and please do bear with us.

Deborah

Deborah Smith (she/her)
Deputy Director, Senior Resourcing & Staffing
People Directorate

[redacted]

[redacted]

DOCUMENT 4

From: [redacted]@gov.scot>
Sent: 23 September 2021 09:49

To: [redacted]@gov.scot>

Subject: FW: URGENT - Freedom of Information Request - SCS Register of Interests

Thank you,

[redacted]

[redacted]

Senior Resourcing and Staff Administrator, People Directorate | Scottish Government
S1, Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

[redacted]

From: [redacted]

Sent: 17 September 2021 12:31

To: Anderson M (Michael) <Michael.Anderson@gov.scot>; Angus M (Morag) <Morag.Angus@gov.scot>; Anson S (Sam) <Sam.Anson@gov.scot>; Archer N (Nikki) <Nikki.Archer@gov.scot>; Ashraf S (Sadif) (Sheku Bayoh Inquiry) <Sadif.Ashraf@shekubayohinquiry.scot>; Bain R (Russell) <Russell.Bain@gov.scot>; Barnes D (David) <David.Barnes@gov.scot>; Baron-Broadhurst L (Lisa) <Lisa.Baron-broadhurst@gov.scot>; Beattie C (Caroline) <Caroline.Beattie@gov.scot>; Bell S (Scott) <Scott.Bell@gov.scot>; Bird L (Lisa) <Lisa.Bird@gov.scot>; Bradley J (Jennifer) <Jennifer.Bradley@gov.scot>; Brown JG (Jonathan) (Parliamentary Counsel) <Jonathan.Brown3@gov.scot>; Bruce MG (Maureen) <Maureen.Bruce@gov.scot>; Burgess WG (George) <George.Burgess@gov.scot>; Byrne A (Alison) <Alison.Byrne@gov.scot>; Colvin I (Iona) <Iona.Colvin@gov.scot>; Cameron M (Michael) <Michael.Cameron@shr.gov.scot>; Campbell B (Brenda) <Brenda.Campbell@gov.scot>; Carmichael DB (Donald) <Donald.Carmichael@gov.scot>; Carmichael K (Katriona) <Katriona.Carmichael@gov.scot>; Carson L (Leanne) <Leanne.Carson@gov.scot>; Cook G (Graeme) <Graeme.Cook@gov.scot>; Coull AJ (Alison) <Alison.Coull@gov.scot>; Cowan WJ (Willie) <Willie.Cowan@gov.scot>; Curry J (Jonathon) <Jonathon.Curry@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; Davidson I (Ian) (Social Security) <Ian.Davidson2@gov.scot>; Donaldson I (Ian) <Ian.Donaldson@gov.scot>; Dornan B (Brian) <Brian.Dornan@gov.scot>; Drought A (Andrew) <Andrew.Drought@gov.scot>; Head of HSCA <HeadofHSCA@gov.scot>; Ellis T (Tim) <Tim.Ellis@gov.scot>; Ferguson SE (Shirley) <Shirley.Ferguson@gov.scot>; French C (Craig) <Craig.French@gov.scot>; Froggatt J (John) <John.Froggatt@gov.scot>; Fuller S (Simon) <Simon.Fuller@gov.scot>; Bray O (Ollie) <Ollie.Bray@educationscotland.gov.scot>; Craven M (Miriam) <Miriam.Craven@socialsecurity.gov.scot>; 'janet.egdell@ros.gov.uk' <janet.egdell@ros.gov.uk>; 'tbarracough@scotcourts.gov.uk' <tbarracough@scotcourts.gov.uk>; 'dfraser@scotcourts.gov.uk' <dfraser@scotcourts.gov.uk>; 'richard.dennis@aib.gsi.gov.uk' <richard.dennis@aib.gsi.gov.uk>; Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>; Clement C (Craig) <Craig.Clement@educationscotland.gov.scot>; Crossman D (David) <David.Crossman@gov.scot>; Ahmad N (Naureen) <Naureen.Ahmad@gov.scot>; Allan M (Matthew) <Matthew.Allan@gov.scot>; Aylesbury P (Pauline) <Pauline.Aylesbury@gov.scot>; Baird J (Jim) <jim.baird@gov.scot>; Barclay G (Gillian) <Gillian.Barclay@gov.scot>; Bartlett J (Janet) <Janet.Bartlett@gov.scot>; Bathgate SKR (Shona) (OAG) <Shona.Bathgate@gov.scot>; Black A (Alasdair) <Alasdair.Black@gov.scot>; Black E (Elise) <Elise.Black@gov.scot>; Black W (William) <William.Black@gov.scot>; Brown J (Joe) <Joe.Brown@gov.scot>; 'brendan.callaghan@forestry.gov.scot' <brendan.callaghan@forestry.gov.scot>; Campbell E (Elisabeth) <Elisabeth.Campbell@gov.scot>; Campbell H (Heather) <Heather.Campbell2@gov.scot>; Bowman V (Victoria) (HLTH) <Victoria.Bowman@gov.scot>; Cameron DA (Donald) (Constitution and

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Subject: URGENT - Freedom of Information Request - SCS Register of Interests

All SCS

This is to provide advance warning that we have received a Freedom of Information request that will require urgent attention next week from those of you who are permanent SG employees who have registered interests on e-HR. The request is:

1) For each civil servant considered a Senior Civil Servant as of August 25, please provide the following information.

- 1a) Their name, job title, and period working for the government.
- 1b) Their recorded business interests and those of close family members
- 1c) Any shareholdings or other securities/financial interests which they or members of their close family hold
- 1d) Any other financial interest where there is the potential for a conflict of interest to arise as a result of your official position
- 1e) Private interests in organisations where there could be the potential for a conflict of interest to arise, for example membership of clubs, societies and other organisations

We will email those of you on Tuesday who have registered interests on e-HR, regarding your specific entries. A response will be required by close on Wednesday 22 September. In the meantime it would be helpful if you could prepare for this by checking your e-HR register of interests and considering in advance whether you have any particular concerns about the disclosure of this information (and which are relevant from an FoI perspective) before we make a decision on the request. You can access your Register of Interests page on eHR by going to: Employee Self Service > Case Management – Employee > Register of Interests.

Your co-operation in this matter is greatly appreciated.

Thank you,

[redacted]

[redacted]

Senior Resourcing and Staff Administrator, People Directorate | Scottish Government
S1, Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

[redacted]

DOCUMENT 5

From: [redacted]@gov.scot>
Sent: 24 September 2021 14:08
To: [redacted]@gov.scot>
Subject: FW: FOI case on registers of interest: FOI advice

Hi, am I ok to assume you're filing notes like this?

From: Smith DR (Deborah) <Deborah.Smith@gov.scot>
Sent: 24 September 2021 12:52
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Cc: Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI case on registers of interest: FOI advice

Noted, and thank you

Deborah Smith (she/her)
Deputy Director, Senior Resourcing & Staffing
People Directorate
[redacted]

[redacted]

From: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Sent: 24 September 2021 12:12
To: Smith DR (Deborah) <Deborah.Smith@gov.scot>
Cc: Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; [redacted]@gov.scot>
Subject: FOI case on registers of interest: FOI advice

Deborah

[redacted]

DOCUMENT 6

From: [redacted]

Sent: 01 November 2021 14:58

To: Smith DR (Deborah) <Deborah.Smith@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - next steps and timeline - update - exchanges between People Directorate and FOI Unit

Deborah,

[redacted] Happy to meet further, though I will be on leave from Thursday evening, returning on 15 November.

[redacted]

Happy to discuss.

[redacted]

[redacted] | **Head of Policy and Casework | Freedom of Information Unit**

[redacted]

[redacted]

[redacted]

[redacted]

From: [redacted]

Sent: 15 October 2021 18:57

To: Hynd JS (James) <James.Hynd@gov.scot>; Smith DR (Deborah) <Deborah.Smith@gov.scot>; [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - next steps and timeline - FOI Unit advice

Dear all,

[redacted]

Happy to discuss.

[redacted]

[redacted] | **Head of Policy and Casework | Freedom of Information Unit**

[redacted]

[redacted]

[redacted]

From: Hynd JS (James) <James.Hynd@gov.scot>

Sent: 14 October 2021 12:34

To: [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - SCS Register of Interests - next steps and timeline

[redacted]

That's enough for me to report to the meeting. I'll let you get on with it. Thanks

James

James Hynd
Director for Cabinet
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [redacted]
[redacted]

From: [redacted]@gov.scot>
Sent: 14 October 2021 12:30
To: Hynd JS (James) <James.Hynd@gov.scot>
Subject: RE: FOI 202100233415 - SCS Register of Interests - next steps and timeline

James,

Apologies for the delay with this – it's in hand and I expect to have something to circulate at the end of the day which consolidates all of the various discussions that have taken place to date. I appreciate that's not ideal for your discussion with Lesley, but it is being actively worked on.

Happy to discuss.

[redacted]
[redacted]] **Head of Policy and Casework | Freedom of Information Unit**

[redacted]
[redacted]
[redacted]

From: Hynd JS (James) <James.Hynd@gov.scot>
Sent: 14 October 2021 11:58
To: [redacted]@gov.scot>
Subject: FW: FOI 202100233415 - SCS Register of Interests - next steps and timeline

Hi [redacted]

Deborah and I are having a catch up with Lesley Fraser at lunchtime today.

Can you please give me a quick update on where things stand with developing the list of possible exemptions. Thanks

James

James Hynd
Director for Cabinet
Room 4N:03
St Andrew's House

Edinburgh
Internal ext [redacted]
[redacted]

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

DOCUMENT 7

From: [redacted]
Sent: 06 December 2021 20:25
To: [redacted]@gov.scot>; [redacted]@gov.scot>; Freedom of Information <foi@gov.scot>
Cc: Smith DR (Deborah) <Deborah.Smith@gov.scot>
Subject: RE: 202100233415 - questions on application of advice - FOI Unit advice - quick question re SCTS - FOI Unit comments

[redacted]
[redacted]] **Head of Policy and Casework | Freedom of Information Unit**

[redacted]
[redacted]
[redacted]

From: [redacted]@gov.scot>
Sent: 06 December 2021 16:19
To: [redacted]@gov.scot>; [redacted]@gov.scot>; Freedom of Information <foi@gov.scot>
Cc: Smith DR (Deborah) <Deborah.Smith@gov.scot>
Subject: RE: 202100233415 - questions on application of advice - FOI Unit advice - quick question re SCTS
Importance: High

[redacted]
I relation to your comments below on [redacted]

[redacted]

[redacted]
Senior Resourcing and Staffing
People Directorate
Scottish Government
[redacted]

Tel: [redacted] Email: [redacted]@gov.scot

From: [redacted]

Sent: 01 December 2021 13:21

To: [redacted]@gov.scot; Freedom of Information <foi@gov.scot>

Cc: [redacted]@gov.scot; Smith DR (Deborah) <Deborah.Smith@gov.scot>

Subject: RE: 202100233415 - questions on application of advice - FOI Unit advice

[redacted],

Thanks for your email. In response to your points:

[redacted]

I hope this is of some assistance, but if it would be easier to talk through some of this then please do let me know.

Thanks,

[redacted]

[redacted] | Head of Policy and Casework | Freedom of Information Unit

[redacted]

[redacted]

[redacted]

From: [redacted]@gov.scot>

Sent: 29 November 2021 10:00

To: [redacted]@gov.scot; Freedom of Information <foi@gov.scot>

Cc: [redacted]@gov.scot; Smith DR (Deborah) <Deborah.Smith@gov.scot>

Subject: 202100223415 - questions on application of advice

Hi [redacted]

Hope all well with you.

We're working through the application of your thorough advice to the data, and have a few areas to clarify just now.

[redacted]

Thanks again for your advice

[redacted]

[redacted] | Team Leader, Senior Resourcing and Staffing, Scottish Government | [redacted]

DOCUMENT 8

From: [redacted]

Sent: 07 December 2021 15:42

To: [redacted]@gov.scot>; [redacted]@gov.scot>

Cc: Smith DR (Deborah) <Deborah.Smith@gov.scot>; [redacted]@gov.scot>

Subject: RE: 202100233415 - questions on application of advice - FOI Unit advice - further advice - [redacted] second email - my thoughts for our discussion

[redacted]

On point 1, that seems fine – my recollection is that there were only 10 or so in that category so even if we need to look at the borderline ones individually that's hopefully not too onerous.

For point 2 and 3, I'd redact them as follows [redacted]

On point 4, I don't think we're quite there yet. I do think it would be easier to talk this through and then summarise, especially as I'm not sure I'm exactly following what the factual position is for some of these people. I've mentioned a couple of queries in my emails below but do think it would be helpful to explore this further.

[redacted]

[redacted] | **Head of Policy and Casework | Freedom of Information Unit**

[redacted]

[redacted]

[redacted]

From: [redacted]@gov.scot>

Sent: 07 December 2021 13:20

To: [redacted]@gov.scot>; [redacted]@gov.scot>

Cc: Smith DR (Deborah) <Deborah.Smith@gov.scot>; Freedom of Information <foi@gov.scot>; [redacted]@gov.scot>

Subject: RE: 202100233415 - questions on application of advice - FOI Unit advice - further advice - [redacted] second email - my thoughts for our discussion

Thanks [redacted]

And to add my thanks too [redacted]. Really appreciate the advice.

Just to confirm on point 1 [redacted]

We may need to come back to you if any do not clearly relate to an organisation.

[redacted]

From: [redacted]@gov.scot>

Sent: 07 December 2021 13:12

To: [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; Smith DR (Deborah) <Deborah.Smith@gov.scot>; Freedom of Information <foi@gov.scot>; [redacted]@gov.scot>

Subject: FW: 202100233415 - questions on application of advice - FOI Unit advice - further advice - [redacted] second email - my thoughts for our discussion

Thanks [redacted] I have discussed with [redacted] and we would like to confirm our understanding of your note below.

Taking your points in turn:

1. [redacted]
2. Example is [redacted]
3. Example is [redacted]
4. Just to be clear we have got this right:

[redacted]

Thanks

[redacted]

[redacted] Senior Resourcing and Staffing

People Directorate

Scottish Government

[redacted]

Tel: [redacted] Email: [redacted]@gov.scot

From: [redacted]

Sent: 06 December 2021 20:37

To: [redacted]@gov.scot>; [redacted]@gov.scot>; Freedom of Information <foi@gov.scot>

Cc: Smith DR (Deborah) <Deborah.Smith@gov.scot>; [redacted]@gov.scot>

Subject: RE: 202100233415 - questions on application of advice - FOI Unit advice - further advice

[redacted],

Further to your earlier email (which I've just answered), I'd suggest the following in response to these queries:

1. [redacted]
2. Not sure I follow – an example might be useful.
3. Again, an example might be useful.
4. [redacted]

I suspect it might be easier to have a word about some of these points – please let me know.

[redacted]

[redacted] | **Head of Policy and Casework | Freedom of Information Unit**

[redacted]

[redacted]

[redacted]

From: [redacted]@gov.scot>

Sent: 06 December 2021 16:51

To: [redacted]@gov.scot>; [redacted]@gov.scot>; Freedom of Information <foi@gov.scot>
Cc: Smith DR (Deborah) <Deborah.Smith@gov.scot>; [redacted]@gov.scot>
Subject: RE: 202100233415 - questions on application of advice - FOI Unit advice

Hi [redacted]

I emailed you a short while ago to ask if you can explain what you say below about [redacted]. [redacted] also identified some other questions for me to out to you:

[redacted]
A reply on Tuesday would be most helpful.

Thanks
[redacted]

[redacted]Senior Resourcing and Staffing
People Directorate
Scottish Government
[redacted]
Tel: [redacted]Email: [redacted]@gov.scot

DOCUMENT 9

Who is subject to Scottish Ministers

SG Business Areas and Agencies within Scottish Ministers FOISA Public Authority

- All core SG Directorates
- All SG Executive Agencies (note that Scottish Prisons Service, while operating as separate, is still technically under Scottish Ministers)

Closely connected bodies that are NOT within Scottish Ministers Public Authority

- Non-ministerial office holders (as named in schedule 1, part 2 of FOISA) but see guidance below*
- Revenue Scotland
- National Records
- Registers of Scotland
- Revenues Scotland
- Scottish Courts and Tribunals Service
- The Chief Medical Officer

- The Crown Office and Procurator Fiscal Service**

*There is a useful guidance email from [redacted] in our Ad Hoc Advice folder <https://erdm.scotland.gov.uk:8443/documents/A29550275/details> which outlines some of the issues around NMOs, including the Chief Medical Officer.

**Crown Office and Procurator Fiscal Service is not a separate authority (ie technically it is part of Scottish Ministers) but is treated by everyone including the Commissioner as if it were.

DOCUMENT 10

From: [redacted] (FOI)

Sent: 25 October 2022 09:23

To: [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot

Subject: RE: FOI SCS Rol - 202100233415

Hi [redacted]

[redacted]

I have provided responses to your queries in red in your emails below – I hope that this is clear.

[redacted]

I hope that this helps, please get back to us if there is anything more that we can do.

[redacted]

[redacted] | FOI Manager | Freedom of Information Unit

Scottish Government | Marine Laboratory | 375, Victoria Road | Aberdeen AB11 9DB

Tel: +[redacted]

Switchboard: +44 (0)131 244 2500

Email: [redacted]@gov.scot

Join our Yammer: @FOI - Community

From: [redacted]@gov.scot>

Sent: 24 October 2022 07:17

To: [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI SCS Rol - 202100233415

Hi [redacted]

Apologies for the delay in getting the spreadsheet over to you. It needed more cleaning up than I'd anticipated. It should be a good deal more straightforward to read now though.

Two filters are applied to the sheet containing register of interest entries: [redacted]

[redacted]

In terms of timing, Lesley Fraser goes on leave on Thursday. It would be hugely appreciated if we could get this to her by close on tomorrow.

[redacted], but I'll try and pick up emails around lunchtime. [redacted] around though and knows at least as much as I do about the case.

Thanks again

[redacted]

From: [redacted]
Sent: 21 October 2022 10:38
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI SCS RoI - 202100233415

Sorry, one slipped off the list there – [redacted]

[redacted]

From: [redacted]
Sent: 21 October 2022 10:21
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI SCS RoI - 202100233415

Hi [redacted]

Many thanks for picking this up while [redacted] off. We're definitely on the home straight with this one, at least in terms of being ready to seek signoff from Lesley on the consultation.

The questions below should be the last we need to ask before doing so.

I'll forward on the spreadsheet containing the data shortly.

Thanks again

[redacted]

[redacted]

From: [redacted]@gov.scot>
Sent: 20 October 2022 17:46
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>
Subject: RE: FOI SCS RoI - 202100233415

Hi [redacted]

As you can see, [redacted] has asked if I might be able to help with this as I'm helping out with some of [redacted] work while she's off.

I've not been involved with this previously so am coming to it cold, although I understand in broad terms what the request has asked for and some of the issues that this presents. I can certainly try and answer your questions, but it would be helpful for me if you could give me an idea of what it is that you're looking for help on ahead of talking it through. I don't have sight of the information itself that [redacted] discusses in her email of 29 June, but I don't know if that is necessary.

Many thanks,

[redacted]

[redacted] | FOI Manager | Freedom of Information Unit

Scottish Government | Marine Laboratory | 375, Victoria Road | Aberdeen AB11 9DB
Tel: +[redacted]
Switchboard: +44 (0)131 244 2500
Email: [redacted]@gov.scot

Join our Yammer: @FOI - Community

From: [redacted]@gov.scot>
Sent: 20 October 2022 16:42
To: [redacted]@gov.scot>
Subject: FW: FOI SCS RoI - 202100233415
Importance: High

[redacted] – as promised, the note from James.

[redacted]

From: [redacted]@gov.scot>
Sent: 18 October 2022 15:33
To: [redacted]@gov.scot>
Subject: FW: FOI SCS RoI - 202100233415
Importance: High

Hi [redacted]

I can see [redacted] out of the office at the moment, so hope you don't mind my coming to you with this.

We're looking to issue the consultation a week on Monday (to meet a commitment made to Lesley Fraser) and are finalising redaction at the moment.

Is there someone we can run a few specific questions by today/tomorrow?

Thanks
[redacted]

From: [redacted]@gov.scot>
Sent: 18 August 2022 13:41
To: [redacted]@gov.scot>; [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; Freedom of Information <foi@gov.scot>
Subject: RE: FOI SCS Rol - 202100233415

[redacted]

Just thought I would touch base to see how you are getting on with progressing the SCS registers of interest request? I appreciate that you will have had other work pressures and leave etc., but if you could provide an update that would be appreciated.

Let me know if you need any further advice from the Unit.

Kind regards
[redacted]

[redacted] | Interim Head of Casework | Freedom of Information Unit | Scottish Government | 2W | St Andrews House | Regent Road | Edinburgh | EH1 3DG

[redacted]

From: [redacted]@gov.scot> **On Behalf Of** Freedom of Information
Sent: 15 July 2022 07:32
To: [redacted]@gov.scot>; Freedom of Information <foi@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI SCS Rol - 202100233415 - outstanding questions

[redacted]

Apologies that I am only just picking this up. If my understanding is correct you are looking to merge information from SG website with that which is published on agency websites? If that is the case then I don't have any concerns, as you say all of the information is SG information.

Thanks
[redacted]

[redacted] | FOI Manager | Freedom of Information Unit | Scottish Government | 2W |
St Andrews House | Regent Road | Edinburgh | EH1 3DG

[redacted]

From: [redacted]@gov.scot>
Sent: 11 July 2022 16:43
To: Freedom of Information <foi@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI SCS Rol - 202100233415 - outstanding questions

[redacted]

Thanks for this is was very helpful. Can I please check with you that when there is a slightly expanded entry on an Agency website register of interests in comparison to what is on the SG one, that we can merge the two as it is all SG information?

Thanks
[redacted]

[redacted]
The Scottish Government, Senior Resourcing and Staffing, People Directorate
| [redacted] | E: [redacted]@gov.scot
[redacted]

From: [redacted]@gov.scot> **On Behalf Of** Freedom of Information
Sent: 29 June 2022 12:38
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI SCS Rol - 202100233415 - outstanding questions

[redacted]

I hope this is helpful, I will be around this afternoon (just heading for lunch), tomorrow and next Tues/Wed/Thurs if it would be helpful to discuss this further.

Kind regards
[redacted]

[redacted] | FOI Manager | Freedom of Information Unit | Scottish Government | 2W |
St Andrews House | Regent Road | Edinburgh | EH1 3DG

[redacted]

From: [redacted]@gov.scot>
Sent: 06 May 2022 17:40
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: FOI SCS Rol - 202100233415 - outstanding questions

Hi [redacted]

[redacted] has asked me to send you this in his absence. It is the questions that we think are still outstanding that [redacted] was going to come back to us about in relation to the SCS spreadsheet. I also attach the latest version of the sheet for you to see.

Outstanding questions

[redacted]

I hope this makes sense. A reply before 16 May would be helpful.

[redacted]

[redacted] The Scottish Government, Senior Resourcing and Staffing, People Directorate
| [redacted] | E: [redacted]@gov.scot
[redacted]

DOCUMENT 11

From: [redacted]@gov.scot>
Sent: 05 June 2023 13:41
To: [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - MISSING ATTACHMENT

Agreed. I am aware of it as Penny has been discussing it. I think it needs to be uploaded but I wouldn't mind an opportunity just to spk to [redacted] (she's in tmrrw) about it. It's out in the open so it's technically released to the public but I'm a bit wary too.

Thanks
[redacted]

From: [redacted]@gov.scot>
Sent: 05 June 2023 13:39
To: [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - MISSING ATTACHMENT

Thanks.

[redacted]
[redacted]

From: [redacted]@gov.scot>
Sent: 05 June 2023 13:37
To: [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - MISSING ATTACHMENT

[redacted]
Thanks

[redacted]

From: [redacted]@gov.scot>
Sent: 05 June 2023 13:28
To: [redacted]@gov.scot>
Subject: FW: FOI 202100233415 - MISSING ATTACHMENT
Importance: High

Hi [redacted],

Just double checking the info contained in response 202100233415 can be put online? There is a second tab at the bottom of the spreadsheet containing more information.

Regards,

[redacted]

From: [redacted]@gov.scot>
Sent: 05 June 2023 10:39
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - MISSING ATTACHMENT

Ah that would be fab, thank you [redacted].

Please see attached!

[redacted]

[redacted] **Chartered MCIPD**
Resourcing Policy Lead | People Directorate
Scottish Government | Floor 2, Silvan House | 231 Corstorphine Road | Edinburgh | EH12 7AT

[redacted] | e: [redacted]@gov.scot



From: [redacted]@gov.scot>
Sent: Monday, June 5, 2023 10:36 AM

To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - MISSING ATTACHMENT

Hi [redacted],

Many thanks for confirming.

Yes, if you could send me the version of the spreadsheet sent to the requestor, I will aim to publish this before close of business today.

Regards,

[redacted]

From: [redacted]@gov.scot>
Sent: 05 June 2023 10:33
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - MISSING ATTACHMENT
Importance: High

Hi [redacted],

Yes the spreadsheet is on the MiCase but for some reason hasn't sent to the requester. The requester definitely now has the spreadsheet (with an apology) and has confirmed receipt.

Do you need a copy of the spreadsheet to publish on gov.scot?

Thanks
[redacted]

[redacted] **Chartered MCIPD**
Resourcing Policy Lead | People Directorate
Scottish Government | Floor 2, Silvan House | 231 Corstorphine Road | Edinburgh | EH12 7AT

[redacted] | e: [redacted]@gov.scot



From: [redacted]
Sent: 05 June 2023 10:31
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: FOI 202100233415 - MISSING ATTACHMENT

Importance: High

[redacted]

Considering the attached FOI response for urgent publication and note there may be information missing, specifically:

a) Within the response you advise that *'The information that you requested is contained in the attached Excel spreadsheet'*. In order to consider the response in full, please forward any attachment(s) to my personal inbox, rather than the FOI inbox, and we will arrange, where appropriate, publication of the response in full.

If the attachments have already been issued to the requester, please confirm or if not, please ensure that the omitted documents are sent to the requester with a covering email of apology.

Regards,

[redacted]

[redacted] Freedom of Information Support Officer - Freedom of Information Unit
2W - St Andrews House - Edinburgh, EH1 3DG

Yammer - FOI - Community

[redacted]

From: Scottish Government Case Handling Service <casehandling.service@gov.scot>

Sent: 02 June 2023 10:34

To: [redacted].co.uk

Subject: Your recent correspondence with Scottish Government and partner agencies - 202100233415

Please find attached a response to your correspondence.



The attachment referred to in this email chain is final FOI response issued to you – 2nd June 2023

DOCUMENT 12

From: [redacted]@gov.scot>
Sent: 06 June 2023 10:17
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - MISSING ATTACHMENT

Thanks for the confirmation [redacted]. [redacted], pls can you upload.

Thanks

[redacted]

From: [redacted]@gov.scot>
Sent: 06 June 2023 10:11
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>
Subject: RE: FOI 202100233415 - MISSING ATTACHMENT

Hi [redacted] – publication of the response was discussed and agreed on the HR side so they will be expecting it. A huge amount of work has gone into getting it legally ready for public access, including discussions with each of the SCS colleagues named, so it will be fine. It's important too that the Register is visible for accountability reasons- that's why it's there.

[redacted]

From: [redacted]@gov.scot>
Sent: 06 June 2023 09:19
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>
Subject: FW: FOI 202100233415 - MISSING ATTACHMENT
Importance: High

Morning [redacted]. I just wanted to run this case past you. Both [redacted] and I are a tad bit wary about uploading this response to the SG website and wanted to seek your clearance on this matter. This is the long-running case asking for the registers of interest for a no. of colleagues. Technically it is already publicly available info so it is available, just not readily available. Do we have your clearance for upload.

Many thanks

[redacted]

DOCUMENT 13

From: [redacted]
Sent: 06 June 2023 10:21
To: [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - MISSING ATTACHMENT

Importance: High

Hi [redacted],

Please see the attached link to FOI response 202100233415 which is now live on the Scottish Government website.

- Senior Civil Servant Staffing List and Register of Interests: FOI release - [redacted]

Regards,

[redacted]

[redacted] Freedom of Information Support Officer - Freedom of Information Unit
2W - St Andrews House - Edinburgh, EH1 3DG

Yammer - FOI - Community

[redacted]

From: [redacted]@gov.scot>

Sent: 05 June 2023 10:39

To: [redacted]@gov.scot>

Cc: [redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: FOI 202100233415 - MISSING ATTACHMENT

Ah that would be fab, thank you [redacted].

Please see attached!

[redacted]

[redacted] **Chartered MCIPD**

Resourcing Policy Lead | People Directorate

Scottish Government | Floor 2, Silvan House | 231 Corstorphine Road | Edinburgh | EH12 7AT

[redacted] | e: [redacted]@gov.scot



From: [redacted]
Sent: 12 June 2023 13:29
To: [redacted] @gov.scot>
Cc: [redacted] @gov.scot>
Subject: RE: URGENT: Correction required in FOI publication 202100233415
Importance: High

Hi [redacted],

Please see the attached updated response to 202100233415, which is now live on the Scottish Government website.

- Senior Civil Servant Staffing List and Register of Interests: FOI release - [redacted]

Regards,

[redacted]

[redacted] Freedom of Information Support Officer - Freedom of Information Unit
2W - St Andrews House - Edinburgh, EH1 3DG

Yammer - FOI - Community

[redacted]

From: [redacted] @gov.scot>
Sent: Monday, June 12, 2023 1:16 PM
To: [redacted] @gov.scot>
Subject: RE: URGENT: Correction required in FOI publication 202100233415

Yes please regarding re-publication. That would be great, thank you!

From: [redacted] @gov.scot>
Sent: Monday, June 12, 2023 1:13 PM
To: [redacted] @gov.scot>; [redacted] @gov.scot>
Cc: Robert Malpass <Robert.Malpass@gov.scot>; [redacted] @gov.scot>; Senior Resourcing & Staffing Team - Projects <SCSProjects@gov.scot>; Freedom of Information <foi@gov.scot>
Subject: RE: URGENT: Correction required in FOI publication 202100233415

Hi again,

Many thanks for confirming.

Regarding the updated attachment, I am assuming this would require urgently republished onto the Scottish Government website? If this is the case, I can publish with the new attachment and provide a link when completed.

Regards,

[redacted]

From: [redacted] @gov.scot>
Sent: Monday, June 12, 2023 1:02 PM
To: [redacted] @gov.scot>; [redacted] @gov.scot>
Cc: Robert Malpass <Robert.Malpass@gov.scot>; [redacted] @gov.scot>; Senior Resourcing & Staffing Team - Projects <SCSProjects@gov.scot>; Freedom of Information <foi@gov.scot>
Subject: RE: URGENT: Correction required in FOI publication 202100233415

Hi [redacted],

Yes row 8 column E has been updated so there are now two redacted names in there (i.e. the two names taken out, the redactions now in).

Aware that there are a number of spelling mistakes in that column but we are obliged to keep them in as that is how the entry was recorded on the system.

Thanks
[redacted]

From: [redacted] @gov.scot>
Sent: Monday, June 12, 2023 12:59 PM
To: [redacted] @gov.scot>; [redacted] @gov.scot>
Cc: Robert Malpass <Robert.Malpass@gov.scot>; [redacted] @gov.scot>; Senior Resourcing & Staffing Team - Projects <SCSProjects@gov.scot>; Freedom of Information <foi@gov.scot>
Subject: RE: URGENT: Correction required in FOI publication 202100233415

Hi [redacted],

Can I just confirm that **Row 8 Column E** in the spreadsheet provided earlier contains the correct information for publication please?

Many thanks in advance.

[redacted]

From: [redacted] @gov.scot>
Sent: Monday, June 12, 2023 12:06 PM
To: [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>; [redacted]@gov.scot>
Cc: Robert Malpass <Robert.Malpass@gov.scot>; [redacted] @gov.scot>; Senior Resourcing & Staffing Team - Projects <SCSProjects@gov.scot>
Subject: RE: URGENT: Correction required in FOI publication 202100233415

Yes, I think I have updated Row 8 Column 8 accordingly?

[redacted]

From: [redacted] @gov.scot>
Sent: Monday, June 12, 2023 11:48 AM
To: [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>; [redacted]@gov.scot>
Cc: Robert Malpass <Robert.Malpass@gov.scot>; [redacted] @gov.scot>; Senior Resourcing & Staffing Team - Projects <SCSProjects@gov.scot>
Subject: RE: URGENT: Correction required in FOI publication 202100233415

Hi [redacted],

I have taken FOI response 202100233415 down from the Scottish Government website for the time being.

Just to confirm, is this attached spreadsheet the version that requires publication?

Regards,

[redacted]

[redacted] Freedom of Information Support Officer - Freedom of Information Unit
2W - St Andrews House - Edinburgh, EH1 3DG

Yammer - FOI - Community

[redacted]

From: [redacted] @gov.scot>

Sent: Monday, June 12, 2023 11:17 AM

To: Freedom of Information <foi@gov.scot>; [redacted]@gov.scot>

Cc: Robert Malpass <Robert.Malpass@gov.scot>; [redacted]@gov.scot>; Senior Resourcing & Staffing Team - Projects <SCSPProjects@gov.scot>

Subject: URGENT: Correction required in FOI publication 202100233415

Importance: High

Hi [redacted], FOI Team,

As discussed over a call with [redacted] just now, I require an urgent amendment to the spreadsheet published in FOI 202100233415 [Senior Civil Servant Staffing List and Register of Interests: FOI release - gov.scot (www.gov.scot)].

In the spreadsheet, in the first tab 'SCS with ROI entries', row 8, column E, please can we update the entry so it says:

"PD carry out property work fro Transport Scotland. My husband has been instructed by McLoghlin and Harvey in sonme work around the decant and repairsfor Buchanan House. **[REDACTED s38(1)(b)]** will instruct for PD/TS with **[REDACTED s38(1)(b)]** as holiday cover and any senior guidance will come from Director SPC"

The reason for this change is that the two individuals named in the original release are below SCS and so should have been redacted. I will pick up reporting this as a security incident (as per [redacted] advice and handling with individuals).

Thanks

[redacted]

[redacted] Chartered MCIPD

Resourcing Policy Lead | People Directorate

Scottish Government | Floor 2, Silvan House | 231 Corstorphine Road | Edinburgh | EH12 7AT

[redacted] | e: [redacted]@gov.scot



DOCUMENT 15

From: [redacted]

Sent: 22 September 2021 13:54

To: [redacted] @gov.scot>; [redacted] @gov.scot>

Cc: [redacted] @gov.scot>; [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>; Smith DR (Deborah) <Deborah.Smith@gov.scot>

Subject: RE: [redacted] FOI 202100233415 - SCS Register of Interests - URGENT QUESTION

[redacted],

As the Commissioner's guidance on excessive cost of compliance (Charging for information FOISA (itspublicknowledge.info)) sets out, the Fees Regulations only allow us to consider the costs associated with 'locating, retrieving and providing' the information requested as being part of cost of compliance. We are not permitted to include any time required to determine whether or not the information ought to be provided i.e. we're not permitted to include our 'thinking time'.

The time taken to *actually make* any necessary redactions to the material prior to its release counts towards the overall cost of compliance, but not the time spend considering what to redact. The cost limit of £600 is deemed equivalent to 40 working hours of staff time (irrespective of grade), to the cost limit is generally quite a high bar to apply.

Is that helpful?

Thanks

[redacted]

[redacted]

FOI Manager (Policy)
Freedom of Information Unit
Scottish Government
2W, St Andrew's House

Mob: [redacted]

(Alternative contact: [redacted])

Yammer: @FOI - Community

[redacted]

From: [redacted] @gov.scot>

Sent: 22 September 2021 13:46

To: [redacted] @gov.scot>; [redacted] @gov.scot>

Cc: [redacted] @gov.scot>; [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>; Smith DR (Deborah) <Deborah.Smith@gov.scot>

Subject: RE: [redacted] FOI 202100233415 - SCS Register of Interests - URGENT QUESTION

[redacted]

Many thanks for your advice on [redacted] question. I hope you won't mind my following it with another.

[redacted]

Is there a line we could pass on? One which perhaps sets out what forms part of the cost calculation and what does not?

[redacted]

From: [redacted] @gov.scot>

Sent: 22 September 2021 13:32

To: [redacted] @gov.scot>

Cc: [redacted] @gov.scot>; [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>; [redacted] @gov.scot>; Smith DR (Deborah) <Deborah.Smith@gov.scot>

Subject: RE: [redacted] FOI 202100233415 - SCS Register of Interests - URGENT QUESTION

Thanks for the clear reply [redacted]. I will do a holding now.

[redacted]

[redacted] Senior Resourcing and Staffing

People Directorate

Scottish Government

[redacted]

Tel: [redacted] Email: [redacted]@gov.scot

From: [redacted] @gov.scot>

Sent: 22 September 2021 13:27

To: [redacted] @gov.scot>

Cc: [redacted] @gov.scot>; [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>; [redacted] @gov.scot>

Subject: RE: [redacted] FOI 202100233415 - SCS Register of Interests - URGENT QUESTION

[redacted],

The reason why [redacted] will have advised you that the clock ought not to have been stopped when you issued your letter of 14 September is that your letter was not a request for 'clarification' in the pure sense. FOISA only allows us to reset the clock when a request is not sufficiently clear to enable us to identify and locate the information requested. When we request 'clarification' in that strict sense we're effectively saying that the original request was never really valid, since it was insufficiently clear. It's for that reason that we get to afford ourselves a further 20 working days to respond once adequate clarification has been received.

In this case, you have not sought clarification of what information is being sought, but rather further information from [redacted] in order to help us to weigh up the arguments around 'legitimate interest' in the Data Protection context. That engagement was necessary, but doesn't allow us to restart the clock. Ideally it should just have been issued as an 'acknowledgement' holding response through the system rather than as a clarification letter – though there's no way you could have known that if we didn't tell you!

I think it will ultimately be necessary for you to log an iFix call in order to 'un-reset' the clock on the case, so that the system reverts to showing it with its original deadline. However, there's no need for you to wait for that to happen before issuing a further holding response to [redacted]. You can just create a new response (choose 'holding' and 'acknowledgement' from the drop down menus), and issue a response apologising that the response will not issue today and (if possible) indicating the timeframe within which we do anticipate being able to respond to him.

You can find a standard text for holding response on page 14 of our FOISA Request templates: [FOI - Templates - FOISA Request Templates details - Objective ECM](#) (scotland.gov.uk). However, given your previous recent correspondence with him you might want to tailor it a bit to the context.

Hope this is helpful.

Thanks

[redacted]

[redacted]
FOI Manager (Policy)
Freedom of Information Unit
Scottish Government
2W, St Andrew's House

Mob: [redacted]
(Alternative contact: [redacted])

Yammer: @FOI - Community

[redacted]

From: [redacted] @gov.scot>
Sent: 22 September 2021 10:16
To: [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>
Cc: [redacted] @gov.scot>
Subject: RE: [redacted] FOI 202100233415 - SCS Register of Interests - URGENT QUESTION
Importance: High

Hi

Can someone let me know in [redacted] absence about this one please? [redacted] said we would need to send a holding reply today as we are missing the original deadline. I have found a template for that. But I see on MiCase the clock stopped when we asked for clarification. I know that is the normal process but I'm told that [redacted] said it would not happen in this case for some reason. (Sorry I wasn't involved in this at that point)

Can you please advise if the clock stopping was correct and therefore I don't need to send a holding?

[redacted]

[redacted]
Senior Resourcing and Staffing
People Directorate
Scottish Government
[redacted]
Tel: [redacted] Email: [redacted] @gov.scot

From: [redacted]
Sent: 22 September 2021 09:45
To: [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>
Cc: [redacted] @gov.scot>
Subject: [redacted] FOI 202100233415 - SCS Register of Interests

[redacted]

We need to send a holding to [redacted] today. Not sure if you are around but if not, can one of your colleagues advise me if there is anything special that needs to be said on this one? I will have a look at your templates in the meantime.

[redacted]

[redacted]
Senior Resourcing and Staffing
People Directorate

Scottish Government
[redacted]
Tel: [redacted] Email: [redacted] @gov.scot

DOCUMENT 16

From: [redacted]
Sent: 22 September 2021 13:56
To: [redacted] @gov.scot>; [redacted] @gov.scot>; [redacted] @gov.scot>
Cc: [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>; Smith DR (Deborah) <Deborah.Smith@gov.scot>
Subject: RE: [redacted] FOI 202100233415 - SCS Register of Interests - URGENT QUESTION

We went back on this almost simultaneously [redacted]!

[redacted] – Yes, I should have said that it is ultimately for the case handler to determine whether the cost limit is engaged or not.

[redacted]
[redacted]
FOI Manager (Policy)
Freedom of Information Unit
Scottish Government
2W, St Andrew's House

Mob: [redacted]
(Alternative contact: [redacted])

Yammer: @FOI - Community

[redacted]

From: [redacted] @gov.scot>
Sent: 22 September 2021 13:54
To: [redacted] @gov.scot>; [redacted] @gov.scot>; [redacted] @gov.scot>
Cc: [redacted] @gov.scot>; Freedom of Information <foi@gov.scot>; Smith DR (Deborah) <Deborah.Smith@gov.scot>
Subject: RE: [redacted] FOI 202100233415 - SCS Register of Interests - URGENT QUESTION

[redacted]

Foi Unit has not suggested the request is within the cost limit. That is something normally determined by the case handler when they have assessed the information held (though you will see I have replied to Nicky's email, suggesting that engagement with the individuals concerned will not count).

My instinct is that it should not breach the limit because the information is held in a discrete register, so essentially, the only chargeable time will relate to redacting information and preparing it for release. Unless there are thousands of entries, I cannot see it breaching.

We can provide some guidance on what counts and what does not.

[redacted]

Sent with BlackBerry: [redacted]

DOCUMENT 17

FOI/EIR REQUEST – SEARCHES CARRIED OUT

This is an official compliance document

FOI case reference number: 202100233415

Please complete the table below where applicable and add any other relevant information regarding searches or other work carried out to locate information within the scope of the request.

Save a copy of this in the casefile.

eRDM searches (including searches carried out for you by other teams)

Keywords searched (individual keywords or combinations)	Comments on findings – e.g. number of documents found, if reading through showed none/some of these documents were in scope
N/A	
eRDM files searched*	Comments on findings – e.g. number of documents found, if reading through showed none/some of these documents were in scope
N/A	

* - if individual files were reviewed in full as well as or instead of keyword searches

Inbox searches

Names of staff/teams asked to carry out searches	Date you asked them to search	Comments on feedback from them (e.g. nothing found, no response, provided docs x and y)
N/A		

Details of keywords used in your own/your team’s inbox searches

Keywords searched (individual keywords or combinations)	Comments on findings – e.g. number of documents found, if reading through showed none/some of these documents were in scope
N/A	

Details of any other searches carried out (including by other teams)

e.g. information held in hard copy, SG and other websites, non-eRDM databases, files held by [NRS](#) or paper files, or personal devices and accounts (such as WhatsApp, text messages etc).

- The Corporate Analytical Team (CAST) ran reports from eHR to obtain the data contained in the Registers of Interest relevant to this FOI request. It produced the raw data that was then later consulted on with those in scope of the FOI.



DOCUMENT 18

Statement of Compliance – Initial Request

FOI reference number: 202100233415

FOI Unit Triage: Non-routine (sensitive or exceptionally complex)

Searches: NA

I have completed a robust search to identify all of the information held which would fall within the scope of the request. I have completed the [searches template](#) and saved a copy to the FOI casefile.

Schedule of Documents Exemptions/Exceptions applied and public interest considerations:

Doc. No.	Description of information	Decision (Release, partial release, withhold)	Information withheld.	Exemption(s) /Exception(s) applied	Why exemption/ exception applies	Public Interest test appropriate ? Yes/No	P.I. test arguments for and against disclosure	Outcome of P.I. test.
ALL INFO REDACTED								

Case-handler record of Decisions

[Redacted]

3rd Party Consultation

Decision Level

[Redacted]

Notes on case handling/summary of case:

[Redacted]

DOCUMENT ENDS