

Prospectus Policy Session: Defence and Security

Agenda

1. Session introduction (Scott Wightman)
2. Presentation (Don McGillivray)
3. External expert reflections (Mariot Leslie and Stewart MacDonald MP)
4. Discussion
5. Next steps

Item 1 (Please note the meeting discussed below was re-scheduled to 11 July 2022):

From: Stewart McDonald [Redacted]
Sent: Monday, May 30, 2022 3:22 PM
To: Cabinet Secretary for Constitution, External Affairs and Culture
<CabSecCEAC@gov.scot>
Cc: [Redacted]
Subject: Re: Invitation to Policy Session

Many thanks - I have put this in my diary.

S

Stewart

[Redacted]

----- Original Message -----

On Monday, May 30th, 2022 at 12:11, <CabSecCEAC@gov.scot> wrote:

Dear Stewart McDonald MP,

On behalf of the Cabinet Secretary for Constitution, External Affairs and Culture this is an invitation for you to attend a focused policy discussion about defence and security to test in detail the propositions in this area which are to be addressed in the updated prospectus for independence.

Your participation in this session is requested to provide background and views on defence and security to Ministers, alongside a small group of our internal senior policy officials and other external experts.

The session is proposed to take place on Monday 13th June at 14:00 at Bute House in Edinburgh. I would be grateful if you could confirm your availability to attend. Arrangements for reimbursement of travel or subsistence expenses can be made as required.

Should there be any change to the venue or timing we will be in contact with you directly. If you have any questions, please contact [Redacted]

Best wishes,

[Redacted]

Assistant Private Secretary to Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture

Ministerial Private Office

St Andrews House

Edinburgh

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Item 2:

From: [Redacted] On Behalf Of Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine
Sent: Monday, July 4, 2022 6:23 PM
To: [Redacted]
Cc: Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine <MinisterCEID@gov.scot>
Subject: Invitation - 11th July

Dear Stewart McDonald MP,

On behalf of the Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine this is an invitation for you to attend a focused policy discussion about defence and security to test in detail the propositions in this area which are to be addressed in the updated prospectus for independence.

Your participation in this session is requested to provide background and views on defence and security to Ministers, alongside a small group of our internal senior policy officials and other external experts.

The session is proposed to take place on Monday 11th July at 14:00 at Bute House in Edinburgh. I would be grateful if you could confirm your availability to attend. Arrangements for reimbursement of travel or subsistence expenses can be made as required.

Should there be any change to the venue or timing we will be in contact with you directly. If you have any questions, please contact [Redacted]

[Redacted]

Private Secretary to Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine, Neil Gray

The Scottish Government | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | **[Redacted]**

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Item 3 (Please note the attachments being referred to can be found at www.gov.scot/newscotland):

From: **[Redacted] On Behalf Of** Brian Dornan

Sent: Monday, October 17, 2022 12:13 PM

To: **[Redacted]**

Cc: **[Redacted]**

Subject: Building a New Scotland - A stronger economy with independence

Dear Stewart,

The third paper in the Independence Prospectus Series (*A stronger economy with independence*) has been launched today by the First Minister. The full paper and a summary are attached to this email, for your interests.

If you would like any further information, don't hesitate to get in contact.

Kind regards

Brian Dornan

Brian Dornan | Deputy Director Constitutional Futures | Directorate for Constitution and Cabinet | Scottish Government

[Redacted]

REASONS FOR NOT PROVIDING INFORMATION

Section 29(1)(a) – Formulation or Development of Government Policy

An exemption under Section 29(1)(a) of FOISA (Formulation or Development of Government Policy) applies to some of the information requested because it relates to the formulation of the Scottish Government's policy on independence.

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 high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on policy development for an independent Scotland will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and development.

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 Ministers before the Scottish Government reaches a settled public view. Disclosing the content of free and frank advice on independence policy will substantially inhibit the provision of such advice in the future, particularly because these discussions are still ongoing and decisions have not been taken, and these discussions relate to a sensitive or controversial issue such as Scotland's constitutional future.

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 Ministers, as part of the process of exploring and refining the Government's position on independence, until the Government as a whole can adopt a policy 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 policy 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 policy making process, which would not be in the public interest.

S.38(1)(b) (Personal Information)

We are unable to provide some of the information you have requested because an exemption under section 38(1)(b) (Personal Information) of FOISA applies to that information. This is because it is personal data of a third party, 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.