

## **Annex A**

**Item 1 –**

**From:** [redacted]  
**Sent:** 13 July 2022 15:00  
**To:** [redacted]**Cc:** [redacted]  
**Subject:** RE: Meeting request to discuss human rights policy matters  
**Sensitivity:** Confidential

Hi [redacted]

That all sounds good. Just send the invitation directly to Ian's email [redacted]

Kind regards,  
[redacted]

[redacted]  
Business Support

Scottish Human Rights Commission

T: [redacted]

[www.scottishhumanrights.com](http://www.scottishhumanrights.com)

**From:** [redacted]  
**Sent:** 13 July 2022 14:58  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Meeting request to discuss human rights policy matters  
**Sensitivity:** Confidential

Hi [redacted]

Thank you for this!

Could we go with Wednesday, 3 August, at 3 pm. I'm happy to send a meeting invitation if that would be useful?

Many thanks,  
[redacted]

**From:** [redacted]  
**Sent:** 13 July 2022 13:31  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Meeting request to discuss human rights policy matters  
**Sensitivity:** Confidential

Hi [redacted]

Thank you for your email.

I've included some date/time suggestions for when Ian would be available for a meeting below. Let me know if any of them work for you!

Tuesday 2 August – 4pm

Wednesday 3 August – any time after 14:30

Friday 5 August – 9-10am or any time after 12:30

Kind regards,  
[redacted]

[redacted]  
Business Support

Scottish Human Rights Commission

[redacted]

[www.scottishhumanrights.com](http://www.scottishhumanrights.com)

**From:** [redacted]

**Sent:** 13 July 2022 13:28

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: Meeting request to discuss human rights policy matters

**Sensitivity:** Confidential

Hi [redacted]

Thank you for following up on this!

We would be looking for a virtual meeting, so there would be no need for accounting time for travel.

I am about to go on leave after today, so I have copied in [redacted], who will be able to respond to you while I am away. I will be back on [redacted]

Many thanks,  
[redacted]

**From:** [redacted]

**Sent:** 13 July 2022 08:17

**To:** [redacted]

**Subject:** RE: Meeting request to discuss human rights policy matters

**Sensitivity:** Confidential

Dear [redacted]

I hope this email finds you well.

Ian Duddy forwarded your email below to me in order for me to find a suitable time for a meeting with him.

I know you are looking for a meeting on the first week of August – may I ask if you were looking for this meeting to happen in person or virtually? Ian can do either, I'm simply checking whether I should calculate in some time for him to travel to the meeting.

Kind regards,  
[redacted]

[redacted]  
Business Support

Scottish Human Rights Commission

[redacted]

[www.scottishhumanrights.com](http://www.scottishhumanrights.com)

**From:** Duddy I (Ian) [redacted]

**Sent:** 12 July 2022 15:22

**To:** [redacted]

**Cc:** [redacted]

**Subject:** FW: Meeting request to discuss human rights policy matters

**Sensitivity:** Confidential

**From:** [redacted]

**Sent:** 12 July 2022 13:00

**To:** [redacted]Duddy I (Ian) <[redacted]>

**Cc:** [redacted]Dornan B (Brian) <[Brian.Dornan@gov.scot](mailto:Brian.Dornan@gov.scot)>; [redacted]

**Subject:** Meeting request to discuss human rights policy matters

**Sensitivity:** Confidential

Dear Ian [redacted]

We hope you are doing well.

My name is [redacted] and I work in the Constitution and Cabinet Directorate. We are keen to have an introductory meeting to make initial connections and discuss

some human rights policy matters with you. I was, therefore, wondering if you perhaps have time for a meeting sometime during the first week of August?

If you have any queries or would like to discuss this further, please do not hesitate to get in touch.

Best regards,  
[redacted]

[redacted] | Directorate for Constitution and Cabinet | mobile: [redacted]

Item 2 –

**From:** [redacted]

**Sent:** 05 July 2023 16:48

**To:** Minister for Independence <MinisterforIndy@gov.scot>

**Cc:** [redacted] Brian Dornan <Brian.Dornan@gov.scot>; David Rogers <David.Rogers@gov.scot>; Dominic Munro <Dominic.Munro@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; [redacted] Kavita Chetty <Kavita.Chetty@gov.scot>; Ewan Crawford <Ewan.Crawford@gov.scot>;

[redacted]

**Subject:** OFF SEN - Ministerial stakeholder roundtable - Constitution Paper - File note for clearance

Hi [redacted]

Please find attached a file note of last week's stakeholder roundtable with Mr Hepburn on the constitution paper.

Link below:

***Document located at Item 3***

Many thanks,  
[redacted]

[redacted] | Prospectus Lead: Constitution, Rights and Equality | Constitutional Change Unit | Constitutional Futures Division | Directorate for Constitution | mobile: [redacted]

[redacted]

[redacted]

Item 3 –

**BUILDING A NEW SCOTLAND  
CREATING A MODERN CONSTITUTION FOR AN INDEPENDENT SCOTLAND**

## ROUNDTABLE DISCUSSION

CHAIR: JAMIE HEPBURN, MSP, MINISTER FOR INDEPENDENCE

WEDNESDAY 28 JUNE 2023

11.15-12:15

ST ANDREW'S HOUSE, EDINBURGH

### Attendees:

Jamie Hepburn MSP, Minister for Independence  
Jack Middleton, Special Adviser

[redacted] Scottish Human Rights Commission  
[redacted] Human Rights Consortium Scotland  
[redacted], Disability Equality Scotland  
[redacted], Scottish Women's Convention  
[redacted], Scottish Women's Convention  
[redacted], CEMVO  
[redacted], CEMVO  
[redacted], Equality Network  
[redacted], Amnesty Scotland  
[redacted], Health and Social Care Alliance Scotland

Dominic Munro, Interim Director, Constitution, Scottish Government  
[redacted], Constitutional Futures Division, Scottish Government  
[redacted], Constitutional Futures Division, Scottish Government  
[redacted], UNCRC Bill Lead, Scottish Government  
[redacted], Human Strategy & Legislation, Scottish Government  
[redacted] Human Rights Policy, Scottish Government

### Discussion:

Mr Hepburn introduced the fourth Building a New Scotland paper, Creating a modern constitution for an independent Scotland. [redacted]

### [redacted]

The following points were raised in discussion:

### [redacted]

### Next Steps

Officials will provide attendees with contact details. Mr Hepburn noted that he could be contacted through his ministerial email.

## CONSTITUTIONAL FUTURES DIVISION

28 June 2023

Item 4 –

**From:** [redacted] On Behalf Of Constitutional Futures  
**Sent:** 13 July 2023 09:27  
**To:** [redacted]  
**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

**Item 6 –**

**CALL BETWEEN MINISTER FOR INDEPENDENCE AND JAN SAVAGE SHRC –  
1400 19 June 2023**

Attendees:

Jamie Hepburn MSP, Minister for Independence; Jan Savage, Interim Chair SHRC;  
**[redacted]**

Discussion:

Mr Hepburn advised that the fourth Building a New Scotland paper, Creating a modern constitution for an independent Scotland, had been published today, 19 June 2023. There was a discussion of areas of interest in the paper [redacted]

**Item 7 –**

-----Original Appointment-----

**From:** [redacted]

**Sent:** 13 July 2022 16:31

**To:** [redacted] Duddy I (Ian); Dornan B (Brian); [redacted]

**Cc:** [redacted]

**Subject:** Initial SHRC/SG meeting to discuss human rights policy matters

**When:** 03 August 2022 15:00-16:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

**Where:** Microsoft Teams Meeting

Hi everyone,

As discussed over emails, this is a meeting to make initial connections and discuss some human rights policy matters.

I hope this time and date works for everyone.

Many thanks,

[redacted]

---

Microsoft Teams meeting

Join on your computer or mobile app

[redacted]

## **Annex B**

### **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, specifically the personal details of individuals below Senior Civil Service grade, 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.

### **S30(b)(ii) of FOISA (free and frank exchange of views)**

An exemption under section 30(b)(ii) of FOISA (free and frank exchange of views) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation. This exemption recognises the need for Ministers and officials to have a private space within which to discuss issues and options with external stakeholders before the Scottish Government reaches a settled public view. Disclosing the content of these discussions will substantially inhibit such discussions in the future, because these stakeholders will be reluctant to provide their views fully and frankly if they believe that those views are likely to be made public. This would significantly harm the Scottish Government's ability to carry out many aspects of its work, and could adversely affect its ability to gather all of the evidence needed to make fully informed policies/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 with appropriate external stakeholders as part of the process of exploring and refining the Government's policy position until the Government as a whole can adopt a policy that is sound and likely to be effective. This private space is essential to enable all options to be properly considered, so that good policy decisions can be taken based on fully informed advice and evidence. 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 policy making process, which would not be in the public interest. There is also an important public interest in avoiding the loss of stakeholder confidence in cases where they thought they were providing comments in confidence, which would be inevitable if an individual's contribution was released against their wishes.