

From: Ashleigh Gray
Sent: Friday, July 21, 2023 4:46 PM
To: [Redacted@gov.scot]; Ian Mitchell <ian.Mitchell@gov.scot>
Subject: FW: Fol On Branchform - use this version
Importance: High

Hi both,

I've spent a fair bit of time this week on this slightly tricky FOI request, which Police Division are leading but which includes a question on Operation Branchform. [Redacted - out of scope] It's due on 27 July. [Redacted] is the lead official and is close to finalising and submitting, but we need to stay very close to this and ensure that the final language is correct, given all the sensitivities around Branchform. [Redacted], grateful if you can work with [Redacted] next week to finalise and ensure that Colin (on leave til Monday) and press office are up to speed. [Ian](#), copying you for awareness and potential input if [Redacted].

The FOI specifically asks about correspondence between SG and Police Scotland. [Redacted]

I've put in our agreed wording re. the exemption, which I don't think should be changed. [Redacted - out of scope]

Can you review the final draft and ensure it reflects these points above, as well as flagging to Colin next week, and to press office before it goes out. [Redacted - out of scope]

Best,
Ashleigh

Ashleigh Gray | Deputy Director (interim) Propriety & Ethics | Scottish Government | Mob: 07918 729304 | Email: Ashleigh.gray@gov.scot

[Redacted - out of scope]

To: Deputy First Minister

CC: CSJHA

FOI REQUEST: SUBMISSION FOR MINISTERIAL DECISION

Purpose

1. You are invited to agree the attached draft response to an information request made under the Freedom of Information (Scotland) Act 2002 (FOISA).

Priority

2. Routine. You will be aware of the Scottish Ministers' statutory obligation to comply promptly, in terms of section 10(1) of FOISA.
 - The 20th day for a response to this request is 27 July;

Background

3. The request from [Redacted] seeks information held by the Scottish Government in relation to three areas - correspondence between Police Scotland and SG on Police Operation Branchform into SNP finances and funding; meetings between the Cabinet Secretary for Justice and Home Affairs, and previously the Cabinet Secretary for Justice and Veterans, and the Chief Constable or any of the Deputy Chief Constables (with no topic specified); and the minutes or briefings of those meetings.

Request 202300363848:

1. Could you supply all correspondence between Police Scotland and the Scottish Government regarding the police investigation into the SNP codenamed Operation Branchform between March 1 2023 and the date of this FOI.
2. How many meetings have Police Scotland's Iain Livingstone/other deputy chief constables held with the justice secretary this year? List of dates for these.
3. All minutes/briefings from these meetings?
4. We have carried out appropriate and proportionate searches under the FOISA rules for the request and identified an amount of information that falls within the scope of the request, some of which we consider should be released.
5. In relation to the first request, Propriety and Ethics colleagues have responded to a number of recent FOI requests relating to Operation Branchform, including FOI request 202300353098 published on gov.scot on 11 July: [Operation Branchform communications: FOI release - gov.scot \(www.gov.scot\)](#). In response to this request, P&E advise that the exemption under Section 35(1)(a) FOISA (prevention and detection of crime) applies to the information requested because of the ongoing Police investigation and the risk that disclosure could substantially prejudice that investigation. This exemption is subject to the public interest test. P&E have considered the public interest and concluded

that in this case the public interest lies in favour of upholding the exemption, and therefore that the information should not be released.

6. [Redacted]

7. [Redacted - out of scope]

Reason for seeking Ministerial Decision

10. A Ministerial decision is considered appropriate in this case because there are significant public interest considerations that pertain to this issue.

Special Adviser Comments

11. Colleagues from Propriety and Ethics have discussed and agreed with [Colin McAllister] – [P&E to complete].

Advice from FOI Unit

12. Advice has been sought from the FOI Unit confirming the technical competence of the recommended options related to disclosure.

Recommendation

13. You are invited to agree that the attached draft response (and associated material) be issued.

[Redacted]
Police Division
Xx July 2023

Officials Copy List

Permanent Secretary
DG Corporate
Director Propriety and Ethics
Deputy Director Propriety and Ethics
Director Communications and Ministerial Private
Office
[Redacted]
Chris Mackie
[Redacted]

From: Ashleigh Gray
Sent: Thursday, July 20, 2023 5:50 PM
To: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); Permanent Secretary <PermanentSecretary@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); Christopher Mackie <Christopher.Mackie@gov.scot>
Subject: RE: Branchform FOIs

Many thanks for confirming [Redacted], I think it's the most appropriate response in the circumstances.

I'll finalise the appropriate wording with FOI colleagues and incorporating [Redacted].

[Redacted]

Best,
Ashleigh

Ashleigh Gray | Deputy Director (interim) Propriety & Ethics | Scottish Government | Mob: [Redacted] | Email: Ashleigh.gray@gov.scot

From: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot) **On Behalf Of** [Redacted]
Sent: Thursday, July 20, 2023 5:22 PM
To: Ashleigh Gray <Ashleigh.Gray@gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); Permanent Secretary <PermanentSecretary@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)
Subject: RE: Branchform FOIs

Hi Ashleigh,

I've picked up with Perm Sec office, and spoke briefly with Andy earlier, and can confirm that we're content with your proposal from Perm Sec team.

[Redacted]

Thanks,
[Redacted]
Atlantic Quay 4, 1st Floor, 70 York Street, Glasgow, G2 8JX | [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

From: Ashleigh Gray <Ashleigh.Gray@gov.scot>
Sent: 20 July 2023 10:05

To: Christopher Mackie <Christopher.Mackie@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Ian Mitchell <Ian.Mitchell@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>
Subject: Branchform FOIs

Hi all,

Colleagues will be aware that we've received a number of FOI requests in relation to branchform, for which P&E have led the response. One has already been published on gov.scot, in line with FOI practice, and others should be published in due course.

I wanted to flag a new request that colleagues in Police division are currently leading as it includes a request for "all correspondence" between PS and SG up to 28 June (see below).

[Redacted]

Full FOI request:

I'd like to request information through FOI legislation.

1. Could you supply all correspondence between Police Scotland and the Scottish Government regarding the police investigation into the SNP codenamed Operation Branchform between March 1 2023 and the date of this FOI.

2. How many meetings have Police Scotland's Iain Livingstone/other deputy chief constables held with the justice secretary this year? List of dates for these.

3. All minutes/briefings from these meetings?

[Redacted] We've previously released the emails from Perm Sec reporting his conversations with the CC when asked for "communications between SG and PS" but I don't believe they fall in scope of "correspondence".

[Redacted - out of scope]

If anyone has concerns about this approach please let me know.

Best,

Ashleigh

Ashleigh Gray | Deputy Director (interim) Propriety & Ethics | Scottish Government | Mob: [Redacted] | Email: Ashleigh.gray@gov.scot

From: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot) > **On Behalf Of** Permanent Secretary
Sent: Thursday, May 4, 2023 11:03 AM
To: Ashleigh Gray <Ashleigh.Gray@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>
Cc: DG Corporate <dgcorporate@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Ian Mitchell <Ian.Mitchell@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Colin McAllister <Colin.McAllister@gov.scot>; FoI SpAds PO <FoI.SpAdsPO@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Subject: RE: For clearance by 5 May - RE: Letter to Permanent Secretary re. Operation Branchform

Hi Ashleigh

Many thanks for the below. To confirm, the Perm Sec has cleared the below.

Thanks again, best wishes

[Redacted]

Private Secretary to The Permanent Secretary

The Scottish Government

PermanentSecretary@gov.scot

Scottish Ministers, Special Advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: Ashleigh Gray <Ashleigh.Gray@gov.scot>
Sent: 03 May 2023 11:54
To: Permanent Secretary <PermanentSecretary@gov.scot>
Cc: DG Corporate <dgcorporate@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Ian Mitchell <Ian.Mitchell@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Colin McAllister <Colin.McAllister@gov.scot>; FoI SpAds PO <FoI.SpAdsPO@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>

Subject: For clearance by 5 May - RE: Letter to Permanent Secretary re. Operation Branchform
Importance: High

Ps/Perm Sec,

Further to my note below on handling of the response to the letter from Daniel Johnson MSP, please find attached a draft FOI response for your clearance. Please note the deadline for issuing is Friday 5 May.

If you are content with the attached I will issue by close Friday via the FOI system on MiCase.

For your awareness, there are four further FOI requests relating to Operation Branchform that we are currently considering.

Kind regards,

Ashleigh

Ashleigh Gray | Deputy Director (interim) Propriety & Ethics | Scottish Government | Mob: [Redacted] | Email: Ashleigh.gray@gov.scot

From: Ashleigh Gray

Sent: 25 April 2023 13:39

To: Permanent Secretary <PermanentSecretary@gov.scot>

Cc: DG Corporate <dgcorporate@gov.scot>; Director of Communications, Ministerial Support <DirectorCMS@gov.scot>; [Redacted]@gov.scot; Ian Mitchell <Ian.Mitchell@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot

Subject: RE: Letter to Permanent Secretary

Ps/Perm Sec,

With thanks to colleagues in SGLD and the FOI team, please find attached a submission to the Permanent Secretary regarding recent correspondence from Daniel Johnson MSP.

Response to letter from Daniel Johnson MSP

Priority and Purpose

1. Routine. The letter from Daniel Johnson MSP was received on 5 April; the response is due by 5 May.
2. Mr Johnson is deputy convener of the Finance and Public Administration Committee, which you are due to appear before in May.

Recommendation

3. That you agree that Scottish Government should reply to Mr Johnson's letter under section 17 FOISA, "information not held".

Kind regards,

Ashleigh

Ashleigh Gray | Deputy Director (interim) Propriety & Ethics | Scottish Government | Mob: [Redacted] | Email: Ashleigh.gray@gov.scot

From: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Sent: 20 April 2023 11:12

To: Ashleigh Gray <Ashleigh.Gray@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Lesley Fraser <Lesley.Fraser@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Ian Mitchell <Ian.Mitchell@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>

Cc: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>

Subject: RE: Letter to Permanent Secretary

Ashleigh,

To confirm that the Perm Sec team has undertaken searches and cannot find any documentation relating to the question asked by Mr Johnson.

Grateful for advice on next steps as discussed.

Many thanks,
[Redacted]

From: [Redacted]

Sent: 19 April 2023 15:12

To: Ashleigh Gray <Ashleigh.Gray@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Lesley Fraser <Lesley.Fraser@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Ian Mitchell <Ian.Mitchell@gov.scot>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>

Cc: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>

Subject: RE: Letter to Permanent Secretary

Many thanks, Ashleigh and [Redacted].

The Perm Sec team will carry out the requested search and confirm the results with you shortly, Ashleigh.

It would then be very helpful to have advice outlining the options, risks and proposed next steps.

[Redacted]

Dear Mr Johnson,

Thank you for your letter to the Permanent Secretary dated 5 April 2023, which we consider constitutes a request under the Freedom of Information (Scotland) Act 2002.

You asked:

“Dear John-Paul,

I write regarding the arrest of Peter Murrell in connection with the funding and finances of the Scottish National Party.

As you will be aware, there is significant public interest in this case which is why transparency is extremely important. To that end I would appreciate if you can clarify whether the former First Minister, Nicola Sturgeon advised you of Police Scotland’s interest in either her or her husband, Peter Murrell”.

In response to your request, while our aim is to provide information, when possible, the Scottish Government does not have the information you have requested. Having conducted appropriate and proportionate searches for information, the Scottish Government holds no recorded information within the scope of your request.

This is therefore a formal notice under Section 17(1) FOISA that the Scottish Government does not have the information you requested.

Outwith FOISA, you will be aware of the Police investigation into SNP finances and it would be inappropriate to comment on a live enquiry. The former First Minister, Nicola Sturgeon MSP, said in a statement issued through her spokesperson on 5 April, widely reported in the media, that she had “no prior knowledge of Police Scotland's action or intentions”. Ms Sturgeon had already demitted office by 5 April when Police Scotland announced that they had questioned Mr Murrell.

If you are unhappy with this response to your request, you may ask us to carry out an internal review of the response, by writing to Ian Mitchell, Director for Propriety and Ethics, St Andrew's House, Regent Road, Edinburgh EH1 3DG or email PanDETTeam@gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review in accordance with FOISA as soon as possible, and not later than 20 working days from the day following the date we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: <https://www.itspublicknowledge.info/appeal>