

202200301007

ANNEX A

In Scope information

From: [Redacted] **On Behalf Of** Freedom of Information

Sent: 31 March 2022 11:12

To: TS Corporate Correspondence Support Team <[Redacted]@transport.gov.scot>

Cc: Minister for Transport <[Redacted]@gov.scot>; Cabinet Secretary for Finance and Economy <[Redacted]@gov.scot>; [Redacted]@transport.gov.scot>; [Redacted]@transport.gov.scot>

Subject: FOI - CEA - TRIAGE - the CMAL contract for vessels 801/802 - 202200291705

Good morning,

Below is an FOI that I believe may be handled by your policy area and directly below is some triage advice as per the service offered by the FOI Unit.

If this request cannot be handled in your area we would hugely appreciate any advice and assistance you can offer in finding the appropriate area for it.

Dear Case handler,

The information request below has been assessed by the FOI Unit in line with [Criteria for Decision-making](#) agreed with the Scottish Information Commissioner. We consider this is a valid request for information and should be treated as such under FOI(S)A.

Under FOISA we have a statutory obligation to respond promptly to all requests. Following the Scottish Information Commissioner's intervention into the Scottish Government's FOI Performance and practice, we have committed to meeting the Commissioner's target of responding to at least 95% of requests within the statutory deadline. It is therefore imperative that the response to this case should issue within the statutory deadline which is **29/04/22**.

For detailed information regarding possible exemptions I would recommend the Scottish Information Commissioner's [website](#).

We have a duty to advise and assist requesters throughout this process and remember there is always a presumption in favour of disclosure.

If the information requested is held and is already reasonably obtainable by the applicant – for example it may be published on the Scottish Government website – it falls within the scope of the exemption at **section 25(1) of FOISA** as 'otherwise accessible'. This means you should refuse the request, citing that exemption and explaining to the applicant where to access the information. However, in some instances, it might be more practical to simply provide the information, e.g. if it is just a few short documents that are not costly or time consuming to print out. To meet our duty to provide advice and assistance to the applicant, if the information has been published on the internet, you should offer to provide paper copies if the applicant does not have internet access.

If we do not hold any information then it is preferable to issue that response as promptly as possible in the form of a refusal notice under **section 17(1) of FOISA**. It may be helpful to include an explanation of why we do not hold the information to place our response in context. Additionally we need to evidence that adequate and proportionate searches have been carried out. These searches should be recorded on the FOI Searches template saved

to the casefile. If another authority may hold the information then preferably having confirmed they do hold the requested information, their contact details should be included in your response.

Actions

- Please now 'assign to self' through the 'Case Actions' tab on MiCase: [MiCase - View Case 291705](#)
- Send the requester an **FOI specific acknowledgement letter**, following the standard template ([FOISA Request Templates](#), page 5). The acknowledgement issued by MiCase is not FOI specific and we are required to do this.
- **Please confirm when you have completed the above 2 actions.**
- Please complete all relevant paperwork as your case progresses, including the mandatory [Statement of Compliance](#) The Statement of Compliance list details of all items of information identified as being potentially within scope of the request and provide a summary of the decisions you have made as case handler. The [Searches Template](#) should also be used to record details of searches carried out.
- Please use the **Response Wizard** contained in MiCase for ALL letters to the requester, including acknowledgement, holding response (if required) and the final response

Sensitivity

In FOISA terms we would assess this case as **routine**. As such it should not require a Ministerial decision in terms of disclosure. Please ensure that decisions on disclosure are taken by officials of appropriate seniority (normally C Band or above). You may find our Submissions Templates useful here:

<https://erdm.scotland.gov.uk:8443/documents/gA962816>. If necessary please sight your Comms team if you consider that parallel media handling is required. This assessment of sensitivity can change once full searches have been completed. *If this case becomes more sensitive and you consider that it requires a Ministerial decision and it is to be sent to SpAds prior to that, then please engage with the FOI Unit to help us reassess the case.*

Resources

- An overview of the FOI Handling process is provided by our [Checklist Guidance](#) document. There is also high level [Saltire Guidance](#) regarding FOI requests and the role of this Unit
- A more detailed set of guidance documents, including letter templates and information about standard approaches is available here [Freedom of Information \(FOI\): SharePoint: 2020-2025](#)
- [SharePoint Collection](#) contains our previously available FOI SharePoint guidance
- Yammer! Search @ FOI – Community for hints and tips
- Redacting guidance is here: <http://saltire/my-workplace/it-and-information-management/data-protection/Pages/redaction-of-information.aspx>
- The Scottish Information Commissioner's [Briefings and Guidance](#) for Scottish Public Authorities is a useful resource for any officer handling an FOI request. This includes detailed guidance on the various exemptions which may apply under FOISA. We would strongly advise that you familiarise yourself with the relevant Briefing from the Commissioner before applying any of the exemptions available under the legislation

There is also an introductory e-learning module on the SG learning portal:

<https://scotgov.learningnexus.co.uk/login/index.php>

Kind regards
[Redacted]

[Redacted] | FOI Adviser (TRS) | Scottish Government | 2W St Andrew's House, Regent Road,
Edinburgh EH1 3DG

[Yammer: @FOI - Community](#)

From: Central Enquiry Unit <[Redacted]@gov.scot>
Sent: 31 March 2022 10:58
To: Freedom of Information <[Redacted]@gov.scot>
Subject: FOI - CEA - TRIAGE - the CMAL contract for vessels 801/802 - 202200291705

From: Georgia Strachan <georgiastrachan93@gmail.com>
Sent: 31 March 2022 10:27
To: Central Enquiry Unit <[Redacted]@gov.scot>
Subject: Freedom of Information Request

Good Morning,

I would like to request the following information under the Freedom of Information Scotland Act 2002 (FOISA):

- All correspondence and documentation sent between the Minister for Transport and Islands and Cabinet Secretary for Infrastructure, Investment, and Cities between 7th and 9th October 2015 including attachments regarding the CMAL contract for vessels 801/802.
- All briefings sent to the First Minister, Deputy First Minister, and Cabinet Secretary for Finance and the Constitution between the 7th and 10th October 2015 regarding the CMAL contract for vessels 801/802.

I will expect the response within 20 working days - 28th April 2022 - as outlined in FOISA.

Many thanks.
Georgia

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Georgia Strachan

georgiastrachan93@gmail.com | +44(0) 77353 81594



Georgia Strachan
georgiastrachan93@gmail.com

Our Reference: 202200291705

Dear Georgia Strachan ,

Thank you for your correspondence sent on 31/03/2022. Your query will be passed to the relevant area for consideration and has been given a reference number of 202200291705. Please quote this number in all correspondence. The Scottish Government aim to respond, where necessary, as quickly as possible and within the stated timescale as indicated on our website (<http://www.gov.scot/Contacts/>).

Yours sincerely

MiCase

Correspondence system for SG and partner agencies

The Scottish Government takes your privacy seriously. You may have written to us because you have a question or want to make a complaint. Our privacy notice (<https://beta.gov.scot/publications/contacting-the-scottish-government-handling-your-data>), available on our website, sets out how we use your personal data, and your rights when communicating with us. It is made under Article 13 of the General Data Protection Regulation (GDPR).

Good Afternoon,
As you have once again missed the deadline for responding to my request and have yet to provide me with a reason for the original delay, I will now be raising this with the information commissioner.
Kind regards,
Georgia
On Tue, 10 May 2022 at 14:36, Georgia Strachan

Good afternoon,

Thank you for getting back to me however, I am dissatisfied with several aspects of the response. Firstly you have not given me the information I requested within the statutory timeframe of 20 working days.

Secondly, you have not provided me with a reason for the delay in response.

Under section 9 of the Environmental Information (Scotland) Regulations 2004 I am now asking you to review your response to my request for information on both of these grounds. I expect to receive this response as soon as possible and by no later than

10th June 2022.

Kind regards,

Georgia

On Tue, 10 May 2022 at 13:58,

From: Georgia Strachan <georgiastrachan93@gmail.com>

Sent: 19 May 2022 11:42

To: Central Enquiry Unit <[Redacted]@gov.scot>

Subject: Freedom of Information Request

Good morning,

Under the Freedom of Information (Scotland) Act 2002 (FOISA) I would like to request the following information:

- All correspondence regarding my Freedom of Information request submitted 31st March 2022 and given the reference 202200291705/4827.

I have copied the details of my request below and attached the original email for convenience.

I look forward to hearing from you as soon as possible and no later than 20 working days which is the 16th June, as required under FOISA.

Kind regards,
Georgia

Original FOI
Good Morning,

I would like to request the following information under the Freedom of Information Scotland Act 2002 (FOISA):

- All correspondence and documentation sent between the Minister for Transport and Islands and Cabinet Secretary for Infrastructure, Investment, and Cities between 7th and 9th October 2015 including attachments regarding the CMAL contract for vessels 801/802.
- All briefings sent to the First Minister, Deputy First Minister, and Cabinet Secretary for Finance and the Constitution between the 7th and 10th October 2015 regarding the CMAL contract for vessels 801/802.

I will expect the response within 20 working days - 28th April 2022 - as outlined in FOISA.

Many thanks.
Georgia

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Georgia Strachan

georgiastrachan93@gmail.com | +44(0) 77353 81594

From: [Redacted] **On Behalf Of** Freedom of Information

Sent: 19 May 2022 13:07

To: TS Corporate Correspondence Support Team <[Redacted]@transport.gov.scot>

Cc: [Redacted]@transport.gov.scot>; [Redacted]@transport.gov.scot>; First Minister <[Redacted]@gov.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <[Redacted]@gov.scot>; Cabinet Secretary for Finance and Economy <[Redacted]@gov.scot>; [Redacted]@gov.scot>

Subject: FOI TRIAGE - E - All briefings sent to the First Minister, Deputy First Minister, and Cabinet Secretary for Finance - 202200301007

Importance: High

Dear afternoon,

Please see the FOI request below. It looks like this may be in relation to your policy area. Please confirm this sits with you or advise us immediately if it does not; suggesting business areas that are better suited.

Please note the following:

Timescale

- The response to this case should issue as soon as possible and no later than the statutory deadline which is **20/06/2022**.

Immediate Actions

Please:

- 'Assign to self' through the 'Case Actions' tab on MiCase: [MiCase - View Case 301007](#)
- Send the requester an **FOI specific acknowledgement letter**, following the standard template ([FOISA Request Templates](#), page 5). The acknowledgement issued by MiCase is not FOI specific and we are required to do this.
- Complete all relevant documents as your case progresses, including the:
 - (i) Mandatory [Statement of Compliance](#) listing information identified as in scope and a summary of decisions made
 - (ii) [Searches Template](#) recording details of searches carried out.
- Use the **Response Wizard** contained in MiCase for ALL letters to the requester.

Sensitivity

- In FOISA terms we are assessing this case as **sensitive**. This means a Ministerial decision in terms of disclosure is required. Please seek input from SpAds before making your final submission to your Minister. You may find our Submissions Templates useful here: <https://erdm.scotland.gov.uk:8443/documents/qA962816>.
The sensitivity assessment can change once full searches have been completed. If after searching you consider the case not to be sensitive, please engage with the FOI Unit to help us reassess the case.
- Please make officials of appropriate seniority (normally C Band or above) aware of the case.
- Please sight your Comms team, parallel media handling may be required.

Requests for legal advice, or requests which capture legal advice

You should always consult the relevant team in Scottish Government Legal Directorate (SGLD) if you receive a request for/relating to legal advice or there is material from the Law Officers (the Lord Advocate and the Solicitor General). SGLD can also help in identifying any legal advice within the scope of the request.

Guidance

Detailed guidance is available here [Freedom of Information \(FOI\): SharePoint: 2020-2025](#) and [SharePoint Collection](#).

Saving and ERDM

Please save all correspondence and evidence of how you reached your final decision within the appropriate ERDM file - you will find this by searching for the FOI number. This will help speed up the process should the request go to review or appeal.

Many thanks,

[Redacted] | Freedom of Information (FOI) Adviser | FOI Unit | Scottish Government | 2W St Andrews House, Regent Road, Edinburgh, EH1 3DG

Freedom of Information Unit

Join the FOI Yammer community: [@FOI - Community](#)

From: Central Enquiry Unit <[Redacted]@gov.scot>

Sent: 19 May 2022 11:51

To: Freedom of Information <foi@gov.scot>

Subject: FOI - E - TRIAGE - • All briefings sent to the First Minister, Deputy First Minister, and Cabinet Secretary for Finance - Georgia Strachan - 202200301007

Good morning,

The email enquiry below was received at the Central Enquiry Unit today.

I would be grateful if you would deal with this or forward it to the appropriate person / area of business.

You may wish to acknowledge receipt of this email to the enquirer.

Thank you

[Redacted]

Reminder: If this email contains a request for information please remember that the Scottish Government is required to respond to all requests for information including e-mails, within 20 working days of receipt in accordance with the Freedom of Information (Scotland) Act. Please refer to the [FOI Guidance](#).

[Redacted] | iTECS: Central Enquiry Unit | Digital Directorate | Scottish Government | Ext: [Redacted] | Tel: [Redacted] | Email: angela.green@gov.scot



From: Georgia Strachan <georgiastrachan93@gmail.com>

Sent: 19 May 2022 11:42

To: Central Enquiry Unit <[Redacted]@gov.scot>

Subject: Freedom of Information Request

Good morning,

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I look forward to hearing from you as soon as possible and no later than 20 working days which is the 16th June, as required under FOISA.

Kind regards,
Georgia

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I will expect the response within 20 working days - 28th April 2022 - as outlined in FOISA.

Many thanks.

Georgia

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Georgia Strachan

georgiastrachan93@gmail.com | +44(0) 77353 81594

“2022 – Correspondence Data - 04 – April” Spreadsheet” **Excel Spreadsheet**

202200291705	EIR Request	the CMAL contract for vessels 801/802	[Redacted]	AMFC	31-Mar	29-Apr		Late
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“Freedom of Information – Fol – FMEL List – Master Sheet” **Excel Spreadsheet**

202200291705	<ul style="list-style-type: none"> All correspondence and documentation sent between the Minister for Transport and Islands and Cabinet Secretary for Infrastructure, Investm 	Georgia Strachan	[Redacted]	31-Mar	29-Apr	EIR	<p>SCID information on web - https://www.gov.scot/collections/ferguson-marine-documents/ Proactive release so not all info in public domain</p>	<p>"Minister for Transport" AND "Cabinet Secretary for Infrastructure" AND "801" OR "802" (Oct 2015 created - 712, Nov 2015</p>	TBC - still reviewing	<p>[Redacted]- restricted erdm folder - access granted - https://erdm.scotland.gov.uk:8443/documents/qA751778</p>	<p>Link to BRG responses</p>	<p>Drafting response and reviewing in scope documents</p>				y
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	ent, and Cities between n 7th and 9th October 2015 includin g attachm ents regardin g the CMAL contract for vessels 801/802 . • All briefing s sent to the First Minister , Deputy First Minister , and Cabinet Secretar y for Finance									may need to be checke d - 1286), "Minist er for Transp ort" AND "Cabin et Secreta ry for Infrastr ucture" AND "801" OR "802" (Oct 2015 created - 711, Nov 2015 may need to be checke d - 1286),					
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ANNEX B

Exceptions under regulations 11(2) (personal information of a third party) of the EIRs apply to some of the information you have requested.

Regulation 11(2) – To the extent that environmental information requested includes personal data of which the applicant is not the data subject and in relation to which either the first or second condition set out in paragraphs (3) and (4) is satisfied, a Scottish public authority shall not make the personal data available.

An exception under regulation 11(2) of the EISRs (personal information of a third party) applies to some of the information requested 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 exception 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 exception.