

**FOI 202300354799**

**Copies of records of internal correspondence and discussions within the Scottish Government which took place in relation to FOI 202300349504.**

1. Correspondence between Head of Risk Management Policy and FOI Unit on initial allocation and acceptance of FOI (pp.2-6).
2. Correspondence between Head of Risk Management Policy and Chief Financial Officer's (CFO) Office to make aware that FOI received (pp.7-10).
3. Correspondence between Head of Risk Management Policy and Head of Governance and Risk Branch re review and approval of FOI response (pp.11-13).
4. Correspondence from Head of Risk Management Policy to Head of Governance and Risk Branch and Deputy Director, Corporate Reporting Division to advise that response was sent to requestor (pg.14).

**From:** [redacted] on behalf of [Governance and Risk Freedom of Information](#); [redacted]  
**To:** [redacted] [redacted]  
**Cc:** [redacted] [redacted]  
**Subject:** RE: FOI - TRIAGE - Corporate Risk Registers - 202300349504  
**Date:** 31 March 2023 14:37:34

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[redacted]

Thanks for sending through. Copying [redacted] in the FMD office to ensure CFO aware.

We are content to accept this FOI.

Thanks

[redacted]

[redacted] [redacted]

Head of Risk Management Policy | Governance & Risk Branch | Financial Management Directorate

Email: [redacted] | Also available on Teams

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**From:** [redacted] <[redacted]> **On Behalf Of** Freedom of Information  
**Sent:** 31 March 2023 10:43  
**To** [redacted] <[redacted]>  
**Subject:** FOI - TRIAGE - Corporate Risk Registers - 202300349504  
**Importance:** High

Good morning [redacted]

Please see the FOI request below.

It looks like this may be in relation to your policy area as the staff directory mentions that you are one of the policy officers for the risk register.

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 **28/04/2023**.

-  
**Immediate Actions**

-

Please:

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- 'Assign to self' through the 'Case Actions' tab on MiCase: [MiCase - View Case 349504](#)
- The eRDM casefile can be found here: [202300349504 - Objective ECM \(scotland.gov.uk\)](#). All correspondence and evidence of how you reached your final decision **MUST** be saved here.
- 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 document 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.
- Complete and submit a [Pre-publication checklist for gov.scot](#) before issuing your response and requesting publication on the SG website.

### **Sensitivity**

-

- In FOISA terms we are assessing this case as **routine**. This means it should not require a Ministerial decision in terms of disclosure.  
*The sensitivity assessment can change once full searches have been completed. If after searching you consider that the response requires a Ministerial decision please engage with the FOI Unit to help us reassess the case.*
- 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/qA962816>.
- If necessary please sight your Comms team if you consider that parallel media handling is 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.

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### **Guidance**

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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.

Kind Regards,

[redacted]

[redacted] | FOI Support 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](#)

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**From:** [redacted] <[redacted]>  
**Sent:** 30 March 2023 15:36  
**To:** Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>  
**Subject:** Request for information under the Freedom of Information (Scotland) Act 2002 (FOISA): Corporate Risk Registers

Good afternoon,

I would like to request the following information under FOISA:

- Copies of all current corporate risk registers that the Government has produced which refer to the ongoing work of the Government.

I expect to receive a response by no later than 30 April 2023.

Yours sincerely,

[redacted]

[redacted]  
 Policy and Research Officer  
 Local Government, Housing, Social Justice, and Social Security  
 Scottish Parliamentary Labour Party  
 The Scottish Parliament  
 [redacted]  
 [redacted]

\*\*\*\*\*

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Scotland

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email in error please delete it and do not share its contents.

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## Case File Contents Checklist

To meet the requirements of our regulator, our FOI case files must contain evidence to show that the case has been correctly handled.

As you complete your response you can use the checklist below to ensure that you have saved the correct information into the case file on eRDM. If in doubt, save it. If you are concerned that there may be a risk in saving information please contact us at [foi@gov.scot](mailto:foi@gov.scot)

The following must be stored in the case file by the case handler(s):

1. Email confirming ministerial or official clearance of the final response for issue.
2. The Submission Template or other request for clearance.
3. The completed Searches Template.
4. The completed Statement of Compliance.
5. All emails discussing the case.
6. Any comments from Special Advisers.
7. 3 versions of each document considered for release:
  - a. The original
  - b. A copy marked up for redaction. Information to be withheld should be highlighted with a different colour used for each exemption or exception you apply.
  - c. The fully redacted copy saved as a PDF ready for issue to the requester.
8. A copy of any other emails / information connected to the issue of the final response that MiCase has not automatically saved to the case file. E.g. if you have had to contact the requester or any third parties outwith MiCase.
9. If required, the email confirming that the Pre-Publication Checklist (PPC) has been completed. The PPC will be required if any information is being released.

**From:** [redacted]  
**To:** [Governance and Risk](#)  
**Subject:** RE: FOI - TRIAGE - Corporate Risk Registers - 202300349504  
**Date:** 31 March 2023 15:24:57

Thanks [redacted]. No problem, and no need to keep me sighted – main thing will be that [redacted] will want to clear before finalised, but I'm v happy to help if I can

**From:** [redacted] [redacted] > **On Behalf Of** Governance and Risk

**Sent:** 31 March 2023 15:05

**To:** [redacted] <[redacted]>

**Subject:** RE: FOI - TRIAGE - Corporate Risk Registers - 202300349504

Thanks [redacted]

I'll take a look and see if I can get it done next week. I'll keep you posted so that you're sighted on response, etc.

Thanks

[redacted]

[redacted] [redacted]

Head of Risk Management Policy | Governance & Risk Branch | Financial Management Directorate

Email: [redacted] | Also available on Teams

**From:** [redacted] [redacted] >

**Sent:** 31 March 2023 13:56

**To:** Governance and Risk <[GovandRisk@gov.scot](mailto:GovandRisk@gov.scot)>

**Subject:** RE: FOI - TRIAGE - Corporate Risk Registers - 202300349504

Hi [redacted]

Thanks for forwarding. These would normally come in via the CFO email but occasionally slip into other channels, so good to have sight.

If you are happy to accept this, then it would just be a case of assigning to self micase (or I can assign to you if prefer).

The fact that you already have guidance should hopefully make this straightforward but the FOI unit are always happy to help and I am here if I can assist too.

Thanks

**From:** [redacted] [redacted] > **On Behalf Of** Governance and Risk

**Sent:** 31 March 2023 11:22

**To:** [redacted] <[redacted]>

**Subject:** FW: FOI - TRIAGE - Corporate Risk Registers - 202300349504

**Importance:** High

Hi [redacted]

This FOI has come directly to me but forwarding onto yourself so that you can process.

We're happy to accept the FOI. We would look to refuse it as we wouldn't ordinarily release risk registers anyway. [redacted] and the FOI team have some handy guidance on this which I've attached for your info.

Thanks

[redacted]

[redacted] (he/him)

Head of Risk Management Policy | Governance & Risk Branch | Financial Management Directorate

Email: [redacted] | Also available on Teams

**From:** [redacted] [redacted] > **On Behalf Of** Freedom of Information

**Sent:** 31 March 2023 10:43

**To:** [redacted] [redacted] >

**Subject:** FOI - TRIAGE - Corporate Risk Registers - 202300349504

**Importance:** High

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Kind Regards,

[redacted]

[redacted] | FOI Support Adviser | FOI Unit | Scottish Government | 2W St Andrews House, Regent Road, Edinburgh, EH1 3DG

Freedom of Information Unit

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**Sent:** 30 March 2023 15:36  
**To:** Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>  
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- Copies of all current corporate risk registers that the Government has produced which refer to the ongoing work of the Government.

I expect to receive a response by no later than 30 April 2023.

Yours sincerely,

[redacted]

[redacted]

Policy and Research Officer  
Local Government, Housing, Social Justice, and Social Security  
Scottish Parliamentary Labour Party  
The Scottish Parliament

[redacted]

[redacted]

\*\*\*\*\*

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## Guidance on the Release of Risk Registers under FOI

### Background

1. In order to serve any useful purpose, risk registers at all levels obviously need to be honest and open assessments of the main risks to delivery. Primarily internal administrative documents, they are not subject to routine publication. It is vital that risk registers are dynamic, living documents and consequently a particular version is only a snapshot at a point in time.
2. Risk management is an integral part of business planning and delivery but if risk registers were to be subject to release there would be a real risk that they would be “watered down” or fail to represent the full picture of the risk management activity in the organisation. It should be noted, therefore, that potential release under FOI is not a reason to bypass risk registers but a reinforcement of the need to make sure that risk is managed and documented properly.

### Consideration of FOI Requests

3. The public does have a legitimate interest in being reassured that we do manage risks properly. There is no reason why information should not be supplied on risk management policies and practices.
4. There is, however, a **strong presumption in favour of withholding risk registers**. This is on the basis that release could substantially inhibit the free and frank provision of advice or exchange of views for the purposes of deliberation (exemption in terms of section 30(b)(i) and 30(b)(ii) of the Freedom of Information (Scotland) Act 2002) or would be likely to prejudice substantially the effective conduct of public affairs (exemption in terms of s30(c).)
5. All requests for risk registers should be dealt with accordance with this presumption.

### Consideration and justification

6. **This is only a presumption.** Any request for the release of risk registers under FOI needs to be looked at on its merits, against all relevant exemptions, FOI guidance and in the light of the public interest arguments either way.
7. In considering the application of the exemptions, it should be borne in mind that risk to reputation is an important factor: release followed by wider dissemination could itself affect the reputation of the Executive as more focus is placed on possible negative outcomes. Similarly, disclosure of potential risks could actually have the effect of making crystallisation of that risk more likely or affect adversely the mitigating actions.
8. In individual cases, consideration should also be given to commercial interests and the economy in terms of section 33 of the Act, as appropriate.
9. It may well be that most of any given risk register will be releasable against those tests, but that some parts would need to be withheld.
10. It is also unlikely that a historical version of a risk register could legitimately be withheld unless there are particular sensitivities (which is another reason why care should be taken to ensure that risk is not only properly managed but that that process is documented properly).

### Advice and Approval

11. If the relevant business area considers, in an individual case, that there may be sensitivities in dealing with these requests, and feel there are difficulties in applying the presumption in terms of the Act then the options on handling that case must be discussed by the relevant policy area with the FOI Unit, their Portfolio AO and or the relevant portfolio Minister and the Minister for Parliamentary Business as appropriate.

**From:** [redacted]  
**To:** [redacted]  
**Subject:** RE: FOI 202300349504 - Draft Response Submission  
**Date:** 19 April 2023 09:47:30  
**Attachments:** [image001.jpg](#)

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Thanks [redacted]

That's perfect – set out well and give a clear steer on why it is being refused.

Happy for you to progress.

[red]

[redacted] IRMCert  
Head of Governance & Risk Branch  
3B North Victoria Quay

Mob [redacted] | Email: [redacted]

[I currently work from home.](#)

[If you wish to speak to me directly I would be grateful if you could message me on MS Teams first so that we can arrange a mutually convenient time to speak.](#)

**Need Advice? Click below for the one-stop shop:**



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**From:** [redacted] [redacted] >  
**Sent:** 18 April 2023 13:42  
**To:** [redacted] <[redacted]>  
**Subject:** FW: FOI 202300349504 - Draft Response Submission

[redacted], please see below.

I was sure I sent this on 6 April but I can't see it in my sent items although I do seem to have saved it to eRDM. So not sure what's happened.

Response deadline is Fri 28 April.

Thanks  
[redacted]

[redacted] [redacted]  
Head of Risk Management Policy | Governance & Risk Branch | Financial  
Management Directorate

Email: [redacted]

| Also available on Teams

---

**From:** [redacted]

**Sent:** 06 April 2023 12:00

**To:** [redacted] )' [redacted] >

**Subject:** FOI 202300349504 - Draft Response Submission

[redacted]

A word copy draft of the response to FOI 202300349504 (current corporate risk registers) can be found in the eRDM casefile:

<https://erdm.scotland.gov.uk:8443/documents/A43233490/details>.

Below is the standard submission template outlining the case and points. You can find the template response to the below on page 4 of [FOI - Templates - Compliance Documents - Submissions Templates \(Minister & Official\), Searches and Statement of Compliance details - Objective ECM \(scotland.gov.uk\)](#).

The full case file can be found here:

<https://erdm.scotland.gov.uk:8443/documents/qA1572558>

I am on leave next week but happy to chat through on your return.

Thanks

[redacted]

**To:** [redacted]

### **Purpose**

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

### **Priority**

2. Routine. The 20th day for a response is 28/04/2023. However you will be aware of the Scottish Ministers' (the public authority under FOISA) statutory obligation to comply <promptly in terms of section.10(1) of FOISA.

### **Background**

3. *The request is as follows: Copies of all current corporate risk registers that the Government has produced which refer to the ongoing work of the Government.*
4. *The request was received on: 30/03/2023*

### **Reason for seeking decision at Official Level**

5. A decision at official level is considered appropriate in this case because it does not raise:
  - significant public interest considerations; and/or
  - complex or novel points which have not previously been considered by the Scottish Information Commissioner.

### **Advice from FOI Unit**

6. Advice has not been sought from the FOI Unit confirming the technical competence of the recommended option(s) related to disclosure.

**Discussion**

7. *The decision being made is to withhold this information under the exemptions in Section 30(b)(i and ii) and Section 30(c). Whilst these exemptions are subject to public interest considerations, I have determined that it remains in the public interest to withhold the information. I have provided the requestor with a link to the SG Annual Accounts for information already released in relation to risks considered in the 2021/22 financial year.*

**Recommendation**

8. You are invited to review the attached response, consider any amendments and agree that the attached draft response be issued.

[redacted] [redacted]

Head of Risk Management Policy | Governance & Risk Branch | Financial Management Directorate

Email: [redacted] | Also available on Teams

**From:** [redacted]  
**To:** [redacted] ; [redacted]  
**Subject:** FOI Response: 202300349504  
**Date:** 20 April 2023 09:23:00

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[redacted], [redacted]

To note that response to FOI requesting copies of all current corporate risk registers that the Government has produced which refer to the ongoing work of the Government was sent this morning - [202300349504 Final Response details - Objective ECM \(scotland.gov.uk\)](#)

[redacted], as [redacted] approved the response, we have advised the requestor to contact yourself if they wish to request a review of our response.

Full details of the case can be found here: [202300349504 - Objective ECM \(scotland.gov.uk\)](#)

Thanks

[redacted]

[redacted] [redacted]

Head of Risk Management Policy | Governance & Risk Branch | Financial Management Directorate

Email: [redacted] | Also available on Teams