

From: [REDACTED] @tatasteeleurope.com>
Sent: 23 November 2022 12:45
To: [REDACTED] @gov.scot>
Cc: [REDACTED] @gov.scot>
Subject: RE: FOI response

Dear [REDACTED]

I was surprised to receive your email below last week in relation to this disclosure as I was not aware that Scottish Government had received a request in relation to these documents.

There are a number of questions that this disclosure has raised on which I would welcome your comments:

1. Please could you provide details on the precise scope of the request to which this disclosure relates, as I do not believe we have seen this.
2. In this case, Scottish Government appears to have departed from its previous practice of consulting with Tata Steel in relation to the scope of its disclosure. This is surprising since the disclosure includes correspondence and notes of a telephone conversation [REDACTED]

Please could you explain the thinking behind this change in approach, particularly in light of the guidance in the Code of Practice which suggests that Tata Steel has a reasonable expectation to be consulted in these circumstances? (Please refer to Section 7 of the Scottish Ministers' Code of Practice under the Freedom of Information (Scotland) Act.)

3. I also noticed [REDACTED]
4. We have [REDACTED]

Please could you provide some further explanation of the approach taken to redaction and the reasons for each redaction?

5. Separately, I note that I have today received the attached email relating to communication which passed between Tata Steel and lawyers for Scottish Government in the summer. I am unable to open the attachment you have sent so please could you re-send in another format which we can open. Similar questions on this to those identified above can be expected to arise.

I look forward to your soonest response.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

M: +44 [REDACTED]

From: [REDACTED] @gov.scot [REDACTED] @gov.scot>
Sent: Monday, November 14, 2022 5:45 PM
To: [REDACTED] tatasteelurope.com>
Cc: [REDACTED] @gov.scot
Subject: FOI response

External email

[REDACTED]
TEND

The supporting documents that we issued in response to a recent FOI relating the 2016 Tata – Scottish Government – Liberty Steel deal are attached.

In due course, this material will be published to the website of the Scottish Government but that publication tends to lag the response to the requester by many weeks.

If you have any queries please let me know.

Regards,
[REDACTED]

[REDACTED]

Manufacturing and Industries Division

Directorate for Economic Development
Scottish Government, Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU
Tel: [REDACTED]
[REDACTED] gov.scot

From: [REDACTED] @gov.scot>
Sent: 29 November 2022 11:31
To: [REDACTED] @tatasteelurope.com>
Cc: [REDACTED] @gov.scot>
Subject: RE: FOI response

[REDACTED]
TFD1

I've responded to your points below but I think there might be merit in arranging a call to discuss FOI handling. If you agree, we'll make arrangements for a Teams call.

1. The FOI documents I sent you on 14/11 were released in response to a rather lengthy request:

1) On what date a) did officials first identify i) the existence of the liability in relation to the facilitation of the sale of the Dalzell steelworks and ii) that the Scottish Government may have broken state aid rules b) was the Minister for Business, Trade Tourism and Enterprise or his predecessor first informed of i) the existence of the liability in relation to the facilitation of the sale of the Dalzell steelworks and ii) that the Scottish Government may have broken state aid rules. Please provide a copy of all the documentation that accompanied these events.

2) On what date and time did the Scottish Government contact Tata Steel after identifying that it may have broken state aid rules while facilitating the sale of the Dalzell steelworks. Please provide a copy of the notification and any response received.

3) What a) correspondence has the Scottish Government had with i) Tata Steel and ii) Liberty House since identifying that it may have broken state aid rules while facilitating the sale of the Dalzell steelworks b) meetings has the Scottish Government had with i) Tata Steel and ii) Liberty House since identifying that it may have broken state aid rules while facilitating the sale of the Dalzell steelworks. Please provide a copy of the letters, minutes and all other documentation that accompanied these events.

4) Please provide details of the due diligence that the Scottish Government conducted prior to facilitating the purchase of the Dalzell steelworks by Liberty House from Tata Steel, and whether it employed any consultants or commissioned external advice. Please provide all the documents associated with this work and a breakdown of the costs."

2. In terms of consultation, we have on this occasion departed from our usual practice as a result of error. We ought to have contacted Tata when the case was first received and once we had located initially material in scope.

[REDACTED]

4. In terms of what we redact we can only use the exemptions set out in the legislation. There is some judgement in this and requesters often challenge our judgements through the means of a review or an appeal to the information Commissioner. We don't apply a fairness or narrative completeness test when releasing information as those tests are not available to us under the legislation. In the particular case I sent to you on 14/11 the exemptions we applied were:
- Section 38(1)(b) – Third Party Personal Information
 - Section 36(1) – Legal Advice
 - Section 33(1)(b) – Commercial interest
 - Section 28(1) – Relations with the UK
 - Section 30(c) – Substantial Prejudice to Effective Conduct of Public Affairs
 - Section 38(1)(b) – Third Party Personal Information
5. I resent the attached document so hopefully you have been able to open and review it.

Let me know if you agree on the merits of a follow-up call and we'll make arrangements.

Regards,

[REDACTED]
TFD1

[REDACTED]

Manufacturing and Industries Division

Directorate for Economic Development
Scottish Government, Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU
Tel: 07805 742 130
[REDACTED] @gov.scot

From: **[REDACTED]** @tatasteleurope.com>
Sent: 23 November 2022 12:45
To: **[REDACTED]** @gov.scot>
Cc: **[REDACTED]** @gov.scot>
Subject: RE: FOI response

Dear **[REDACTED]**
TFD1

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M: +44 [REDACTED]

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To: [REDACTED] @tatasteelurope.com>
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If you have any queries please let me know.

Regards,

[REDACTED]
TEDI

[REDACTED]

Manufacturing and Industries Division

Directorate for Economic Development

Scottish Government, Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

Tel: **[REDACTED]**

[REDACTED] @gov. scot

From: [REDACTED] @gov.scot>
Sent: 07 December 2022 11:41
To: [REDACTED]@tatasteelurope.com; [REDACTED]@tatasteelurope.com>
Cc: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: RE: FOI

[REDACTED]

For your information, here is the record we took of our call on Monday.

Regards,

[REDACTED]
TER1

**MEETING BETWEEN SCOTTISH GOVERNMENT AND TATA STEEL UK
5 DECEMBER 2022**

Scottish Government:
[REDACTED]

Tata Steel UK:
[REDACTED]

Summary

- The meeting was focussed on the handling of recent and current freedom of information (FOI) requests received by the Scottish Government and, in particular, the process for consultation on the material under consideration for release.
- The particular cases in focus concerned (a) the transactions that took place 2016 involving Tata Steel, the Scottish Government and Liberty Steel relating to the Dalzell and Clydebridge steelworks and (b) discussions around the Scottish Government's position as outlined in the Parliamentary statement of 15 December 2021.
- Tata Steel UK were interested in the context for the requests and processes that govern how information is released through Scottish Government FOIs, specifically when it relates to commercial aspects of private operations and personal information (names and email addresses etc)
- Scottish Government highlighted the general process with FOI handling, timeframes for responding to FOIs and the three potential stages to an FOI: a initial request; a review and an appeal with the Scottish Information Commissioner.

- Scottish Government also highlighted specific interest from members within the Scottish Parliament, some of this reflected in recent media interest.
- The Scottish Government committed to sharing information on the most recent request, maintaining open dialogue and engagement with Tata Steel UK on future FOI request which relate to any aspects of Tata's business and to sharing a note on the Scottish Government's FOI process and timescales.

[REDACTED]

[REDACTED]

[REDACTED]