

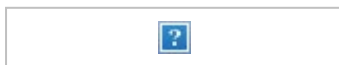
From: [REDACTED] on behalf of [Freedom of Information](#)
To: [REDACTED]
Subject: RE: Request to change Fol from "sensitive" to "Routine" 202200319758
Date: 29 November 2022 17:39:25
Attachments: [image003.jpg](#)

Hi [REDACTED]

Thanks for your update below. In relation to what you have described below im content to reassess as routine and have now updated on the MiCase system. You should now clear your response with your areas agreed reviewer (usually c band of above) for sign off.

Thanks,
[REDACTED]

[REDACTED] | Freedom of Information Unit



[Yammer: @FOI - Community](#)

From: [REDACTED]@gov.scot>
Sent: 29 November 2022 14:54
To: Freedom of Information <foi@gov.scot>
Subject: Request to change Fol from 'sensitive' to 'Routine' 202200319758

Good afternoon,

The Fol below is currently marked as 'Sensitive' in the system. Previous advice from the Fol Unit indicated that if the entire Fol was outside the cost limit, the marking should be changed to 'routine'.

The Fol Unit previously agreed that the Fol should be treated as a two part request, with the first part being outside the cost limit. Having now completed the searches and had returns from colleagues, it appears that the second part of the Fol would also be outside cost.

I can't see a way to change the marking on the Fol system from 'sensitive' to 'routine' – is this something which the Fol can change?

Grateful if this can be updated if possible, as I'm aware that this one is already late going out, so want to get the response out as soon as everything is cleared.

Many thanks,

[REDACTED]

From: [REDACTED]

Sent: 31 October 2022 11:44

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

Subject: FOI - request 202200319758 - [REDACTED]

Hi,

I have a quick query in terms of handling the below Fol.

As the Fol request has been designated 'Sensitive', I understand that the decision on information to be released is to go to the Minister.

However, the relevant Minister may be Patrick Harvie, as we understand that this Fol was likely prompted by the recent emergency legislation. As Mr Harvie is a Green MSP and some of the information being considered will likely be in documents from the previous (SNP-only) Government, we understand that some of this information likely cannot be given to him. Obviously there's no issue with him seeing the information which can be released to the public and doesn't fall under any exemptions, but in the case of any information which falls under an exemption, or information about redactions and what is being redacted in the accompanying documents, I understand this would be a problem.

Is there guidance on how this should be handled? Should the decision be made by the Cabinet Secretary instead in such cases?

Many thanks,

[REDACTED]

[REDACTED] | Directorate for Local
Government and Housing | The Scottish Government | Email: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) | Blackberry: [REDACTED]
[REDACTED] | [REDACTED]

From: [REDACTED]
To: [REDACTED] [Cabinet Secretariat inbox](#);
Cc: [Freedom of Information](#); [REDACTED]
Subject: RE: FOI - request 202200319758 - [REDACTED]
Date: 02 November 2022 15:02:52

Hi [REDACTED]

Sorry for the delay, have checked with colleagues in Cabinet Secretariat and [REDACTED] agrees that the proposed approach of asking Mr Matheson to clear this case given documents have been considered that pre-date the BHA seems a reasonable one (if it might be necessary for Mr Harvie to view those documents in order to clear the case). [REDACTED] defers to [REDACTED] though in case there are other BHA considerations of which he isn't aware.

[REDACTED] is busy at present with urgent business but will come back to you when she is free to do so.

Many thanks, [REDACTED]

[REDACTED] | [Scottish Government | Cabinet, Parliament and Governance Division](#) | Tel: [REDACTED] | email: [REDACTED]@gov.scot

From: [REDACTED]@gov.scot>

Sent: 31 October 2022 15:26

To: Cabinet Secretariat inbox <[REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>

Cc: Freedom of Information <foi@gov.scot>; [REDACTED]@gov.scot>;
[REDACTED]@gov.scot>; [REDACTED]
[REDACTED]t@gov.scot>

Subject: RE: FOI - request 202200319758 - [REDACTED]

[REDACTED]

To note query below from [REDACTED] re the appropriate process for seeking clearance of an FOI response within the portfolio of a Green Minister, but where some of the information being considered (including some not proposed for release) pre-dates the Bute House Agreement. I think [REDACTED] is picking up in the guidance in part 6 of [Working with the Scottish Green Party](#), which sets out that Green Ministers are not entitled to see papers which pre-date 31 August 2021 (although these can be drawn on for the purpose of providing advice).

[REDACTED] proposed approach of sending this request for clearance to the relevant Cabinet Secretary instead seems reasonable enough to me. However, I'd be grateful for your thoughts or whether this is correct or whether it would in fact be appropriate in these circumstances to share the material with the Green Minister to allow him to consider the proposed response.

Thanks

[REDACTED]

[REDACTED]
Freedom of Information Unit
Scottish Government
2W, St Andrew's House
Edinburgh, EH1 3DG

Mob: [REDACTED]
(Alternative contact: [REDACTED])

[Yammer: @FOI - Community](#)

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Sent: 31 October 2022 11:44
To: Freedom of Information <foi@gov.scot>
Subject: FOI - request 202200319758 - [REDACTED]

Hi,

I have a quick query in terms of handling the below Fol.

As the Fol request has been designated 'Sensitive', I understand that the decision on information to be released is to go to the Minister.

However, the relevant Minister may be Patrick Harvie, as we understand that this Fol was likely prompted by the recent emergency legislation. As Mr Harvie is a Green MSP and some of the information being considered will likely be in documents from the previous (SNP-only) Government, we understand that some of this information likely cannot be given to him. Obviously there's no issue with him seeing the information which can be released to the public and doesn't fall under any exemptions, but in the case of any information which falls under an exemption, or information about redactions and what is being redacted in the accompanying documents, I understand this would be a problem.

Is there guidance on how this should be handled? Should the decision be made by the Cabinet Secretary instead in such cases?

Many thanks,

[REDACTED]

[REDACTED] Better Homes Division | Directorate for Local
Government and Housing | The Scottish Government | Email: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> | Blackberry: [REDACTED]
[REDACTED] [REDACTED]

From:
To:

[REDACTED]
[REDACTED] [MacKean C \(Catrona\)](#); [REDACTED]

Subject: FoI trawl request (ref: 202200319758)
Date: 04 November 2022 19:03:00

Hi Folks,

Apologies for yet another FoI trawl request.

This one is not entirely straightforward and is going to require a bit of explanation (on the advice of the FoI Unit), so apologies in advance for that.

The original request is as follows:

Please provide any work/discussion conducted by the Scottish Government on the topic of rent controls, particularly international evidence for the efficacy of such policies. Please restrict the request to work/discussion carried out between 5th May 2016 and 9th September 2022.

After processing a sample and discussing with the FoI Unit it was agreed that this request would be treated as a two part request, with the first part ('any work/discussion conducted by the Scottish Government on the topic of rent controls... carried out between 5th May 2016 and 9th September 2022') being considered outside the cost limit due to the high volume of documents returned by searching for this.

The information I'm currently searching for is therefore restricted solely to 'any work/discussion conducted by the Scottish Government on... international evidence for the efficacy of [rent controls]... carried out between 5th May 2016 and 9th September 2022'

I've already carried out a number of eRDM searches (listed at the end of this email). However, I'm aware that, given the breadth of the topic and the dates, there may be information or documents which may be within scope of the request which haven't been captured by the search terms I'm using. I'm also aware that not all relevant documents are showing up in the search results (I've already spotted a few significant omissions), as documents which are not published in eRDM are automatically excluded from searches of the document text.

I would therefore be grateful if you could:

1. Search **your own/team inboxes, and any personal storage** (OneDrive, personal eRDM folders etc) for any documents or information which you consider may fall within the scope of the above request.
2. Consider/check for any information in scope stored **in your team's eRDM folders which you do not think will not have been caught in the searches listed below** (either because I haven't used the right keywords, or because the doc is unpublished in eRDM and therefore will not have been caught within the text search) and send me links to this if possible (unless

there are a huge number of docs, in which case we'll figure something else out)

3. **Let me know how long it took you to carry out (1) and (2)** – there's a possibility that this request may end up also being outside of cost, but we would need accurate timescales for time taken to date for searching and sifting, as this would need to be fully demonstrated.
4. **Forward this email to anyone I may have missed** who should be included in this request (thinking particularly of CAD colleagues, as I'm not sure who may have been involved consideration of rent control evidence over the past six years). Grateful if you could copy me in if you do this.

I'd be grateful if you could let me know about nil returns as well as information found.

I'd be grateful for a response by **close of play on Thurs 10th November** if at all possible, as this FoI is already past its deadline. However, happy to discuss if there are any issues with this (aware that a couple of folk are on leave next week).

eRDM searches already carried out

All of these searches were limited to objects with a creation date is after midnight 05 May 2016.

eRDM was searched for documents with the following keywords in the text of the document:

- "Rent control" AND "international evidence"
- "Rent freeze" AND "international evidence"

- "Rent control" AND "efficacy" AND "Policy"
- "Rent freeze" AND "efficacy" AND "Policy"

- "Rent control" AND "effective" AND "Policy"
- "Rent freeze" AND "effective" AND "Policy"

- "Rent control" AND "Germany" AND "Policy"
- "Rent control" AND "Ireland" AND "Policy"
- "Rent control" AND "France" AND "Policy"
- "Rent control" AND "Spain" AND "Policy"
- "Rent control" AND "Catalonia" AND "Policy"
- "Rent control" AND "Berlin" AND "Policy"
- "Rent control" AND "Europe" AND "Policy"
- "Rent control" AND "USA" AND "Policy"

Many thanks, and apologies again for the long email,

■

From: [REDACTED]
To: [REDACTED]
Subject: RE: FOI - request 202200319758 - [REDACTED]
Date: 11 October 2022 13:56:02
Attachments: [image001.png](#)
[image002.png](#)

Hi [REDACTED] We are going around in circles here but I am content for you to approach as a 2 question request and to answer the 2nd part and exempt the 1st if you believe the cost exemption applies.

Thanks

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 11 October 2022 13:53
To: [REDACTED]@gov.scot>
Subject: RE: FOI - request 202200319758 [REDACTED]

Thanks [REDACTED] – I'm not 100% sure I understand the question...

The FOI unit's search found about 45 documents I think, which I assume would be below cost (those are just docs which contained "Rent freeze" AND "efficacy" AND "Policy"), and I did a similar search for "rent control" AND "efficacy" AND "Policy" and got about 46 – I assume there would be some overlap there too.

So assuming that's all of them which would fall under the scope of that part of the request I'm assuming it wouldn't be outside the cost to process them alone.

Given the original search found over 1300 documents which might fall under work or discussion about rent control (and I'm not sure I've got them all yet – haven't asked other folk to do an inbox search as they're busy, and haven't checked for the term "RPZ" yet either) I don't think the 45 /46 docs would make of a dent in that?

From: [REDACTED]@gov.scot>
Sent: 11 October 2022 13:46
To: [REDACTED]@gov.scot>
Subject: RE: FOI - request 202200319758 [REDACTED]

Sorry to keep asking questions, [REDACTED] So you believe that you can answer this part of the request without it breaching cost? Given the timescales he has asked for. And if by answering this part of the request would this be reflected in the cost of the other part of the request you are refusing on cost grounds?

Thanks

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 11 October 2022 12:24

To: [REDACTED]@gov.scot>

Subject: RE: FOI - request 202200319758 [REDACTED]

I think the 'international evidence' bit would be a subset of the wider data – for background, rent control has been being discussed for some time (there has been political pressure for it from some sides for a while) – so was had an Act in 2016 which brought in a form of rent control (RPZs, which I should probably have searched for separately as a term to make sure I don't miss anything out), although this form of rent control was never used. We then had a commitment to introduce it this parliamentary term (work still ongoing – bill due in parliament next year) followed by the emergency legislation we just had implementing a rent freeze, also a form of rent control. Throughout this time there have been discussions and work, which has (of course) included the consideration of international evidence for what other countries have done and how this has panned out.

If that makes sense?

From: [REDACTED]@gov.scot>

Sent: 11 October 2022 12:19

To: [REDACTED]@gov.scot>

Subject: RE: FOI - request 202200319758 - [REDACTED]

Thanks [REDACTED]

Would you say that these are interconnected in any way? Are you interrogating the same or different data?

[REDACTED]

From: [REDACTED]@gov.scot>

Sent: 11 October 2022 11:09

To: [REDACTED]@gov.scot>

Subject: FW: FOI - request 202200319758 [REDACTED]

Hi [REDACTED]

Thanks so much for your time this morning – the correspondence about the FOI I've had is below. I think the only thing I'm trying to get clear now is whether I treat it as two parts, one of which is outside cost limit and the other of which is within. I think from what we discussed this morning that that will likely be the case, but grateful if you could confirm that that's what I should be doing! (and if you spot anything else obvious I've missed please do let me know – this case seems to have become complicated somehow!)

Have a lovely holiday,

[REDACTED]

From: [REDACTED]

Sent: 07 October 2022 12:46

To: Freedom of Information <foi@gov.scot>
Cc: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: FOI - request 202200319758 - [REDACTED]

Thanks [REDACTED]

I'm a little confused now! So are we saying that the searches I did previously to cover 'any work/discussion conducted by the Scottish Government on the topic of rent controls' are still relevant (in which case the request may be outside cost limit) or not?

Or is that that we would treat the FOI as two parts with one part being outside cost limit and the other part within it?

I'm very confused now – what I took from your last email is that I would only have to consider documents which came up when searching for things like rent control or rent freeze in conjunction with 'efficacy' and 'policy' as being in scope (and possibly only those which specifically related to 'international evidence').

Are you saying that we still have to consider 'any work/discussion conducted by the Scottish Government on the topic of rent controls' as being potentially within scope of the request? Because if so, as set out below, I have concerns that this would take far longer than the maximum 40 hours.

Grateful for some clarity on this – I've already spent a fair amount of time on this and don't want to spend more time if it's going to turn out that the time is being spent in the wrong direction again, especially with limited time between now and Monday.

Many thanks,

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> **On Behalf Of** Freedom of Information
Sent: 07 October 2022 12:17
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Cc: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: FOI - request 202200319758 - [REDACTED]

Hi [REDACTED]

If a response is likely to be late we recommend sending a holding response to the requester to make them aware of the delay.

It is the full request that needs to be answered still, it's just that focusing on the phrases rent control/rent freeze are particularly broad and as there was a direct request that one of the topics is asking about the "international evidence for the efficacy of such policies" this should have been included within the searches.

Kind Regards,

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

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From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 07 October 2022 11:23
To: Freedom of Information <foi@gov.scot>
Cc: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: FOI - request 202200319758 - [REDACTED]

Thanks [REDACTED] – I had understood that we had to respond to the whole request (i.e. ‘any work/discussion conducted by the Scottish Government on the topic of rent controls’) rather than just the latter bit, although I agree that’s what the requester probably wants. I just thought we had to respond to what they asked for rather than making an assumption about what they want?

On the calculations, as discussed previously, the time actually taken was 74 minutes, but the FOI unit has stated that we can only count one minute per document, but hopefully the footnote makes this clear.

If we’re able to ignore the first part of the request and only process the second half this will make things much easier, and might actually be doable within the 40 hours (although unfortunately probably not by Monday, when the response is due to go out!)

Many thanks for your help on this one.

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Freedom of Information
Sent: 07 October 2022 11:13
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: FOI - request 202200319758 - [REDACTED]

Hi [REDACTED]

Very sorry for the delay in responding to your email.

We have had a look into the details and I will discuss the cost calculations first.

The line “Time to sift 30 items = 74 minutes, therefore on average 1 minute per document” is inconsistent as it should show 30 minutes, but please note this isn’t important for the calculations but one to note for consistency in future reports.

For the line: “Of the 30 documents, 3 were judged to be out of scope, which is 10%. Assuming that this percentage of documents out of scope would be replicated across all documents found, 963 less 10% is 867.” You use 867 in the next calculations for time to sift but please note that 963 is the correct answer as

this is the figure that would need to be sifted and therefore the 1 minute per file, 867 is used in the redaction calculation as this is the expected figure to find after sifting.

Now in regards to the searches themselves we feel they are too broad and may not be as relevant to the question asked. The requestors email states:

Please provide any **work/discussion** conducted by the **Scottish Government** on the **topic of rent controls, particularly international evidence for the efficacy of such policies.**

We would expect that the searches carried out would focus on including these bolded and underlined phrases rather than just the broad "rent control" and "rent freeze". We need to ensure that robust searches are being carried out and that these are noted on the searches template with the figures found. For instance I search "[Rent freeze](#) AND [efficacy](#) AND [Policy](#)" and came up with 45 searches which you would note in the searches template and then state a short comment and similar searches should be being carried out.

Our recommendation at this time is to carry out further searches covering a more narrowed scope of searching targeting what the requester has asked,

I hope this information is helpful,

Kind Regards,

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

Freedom of Information Unit

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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 06 October 2022 17:21

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

Subject: RE: FOI - request 202200319758 [REDACTED]

Hi Folks,

I'm conscious that the deadline for this one is in a few days and I haven't heard back yet. I appreciate things are probably pretty busy or you all at the moment, but just wanted to double check that this query is still on the radar, though I appreciate it's a complex one.

Happy to discuss if that would help.

Many thanks,

[REDACTED]

From: [REDACTED]
Sent: 30 September 2022 20:35
To: Freedom of Information <foi@gov.scot>
Subject: RE: FOI - request 202200319758 - [REDACTED]

Thank you for getting back to me.

I had another look on eRDM and realised I was being wildly optimistic in thinking all of the documents that would likely be in scope for this request would be constrained to three housing parent folders – I've found a bunch elsewhere since our last exchange.

I have therefore re-done my calculations to include a full search of eRDM, eliminating a proportion to compensate for those which are unlikely to fall into scope.

I have written this up in full in the search template (using a time of one minute per document for the sift, as instructed), and this is now saved in eRDM: 'Audit - 202200319758 - Searches - Updated 30 Sept' - <https://erdm.scotland.gov.uk:8443/documents/A40804381/details>

I would be grateful for confirmation as to whether this Fol request is likely to fall outwith the specified cost limit.

Kind regards,

[REDACTED]

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> **On Behalf Of** Freedom of Information
Sent: 28 September 2022 17:05
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: FOI - request 202200319758 - [REDACTED]

Hi [REDACTED]

Thank you for your email and sorry for the delay in getting back to you,

It would be beneficial if you can please ensure that a copy of the search template is either uploaded to the casefile on eRDM or provided in the email, this will allow the FOI team to do a copy of the searches as well as check to see if we can find a way to narrow the searches as some case handlers have used quite broad terms during their searches.

From your email, we are unable to determine if scope is broad or narrow and so cannot give full assurance on whether the process below is fully accurate. In regards to seeking clarification from colleagues their input would not be calculated as a full search, or a non-narrowed search. We would expect them to be searching their areas and inboxes alone so the figure provided for them would be considered inflated at this point.

When a section 12 is applied to a response we need to ensure that the searches along with the calculations are robust and clear so that if a review was ever requested then the same/similar results would be found to ensure that the process

was correct.

From the calcs below, I can advise that the 2 and half minutes per document view may be considered excessive as organisation standard would be 1 minute as the main purpose of viewing the document is to consider whether it is in or out of scope. So we would recommend re-reviewing this part of the calc. Please note the non-narrowed search would not be considered as part of this calculation as presumably this would be the first search undertaken.

Once we have reviewed the searches we will be able to provide further clarity on whether the calculations are accurate enough”

Thank you

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

Freedom of Information Unit

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

Sent: 23 September 2022 12:38

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

Subject: RE: FOI - request 202200319758 [REDACTED]

Many thanks for the further advice [REDACTED]

I have redacted a sample of the documents and carried out the further calculations below. Grateful if you would advise whether this is enough to support a refusal of the request under section 12?

Many thanks,

[REDACTED]

Cost estimate for consideration of Section 12 Exemption.

Caseholder time taken for initial erdm and outlook search (identifying 1071 results which seemed most likely to be within scope of the request) = 45 minutes

Time to sift 30 items = 74 minutes, therefore on average 2.5 minutes per document.

Of the 30 documents, 3 were judged to be out of scope, which is 10%. Assuming that this percentage of documents out of scope would be replicated across all documents found, 1071 less 10% is 964.

Time taken to sift 964 documents @ 2.5 minute per document = 2,410 minutes.

Total time estimated for search and sift of eRDM, caseholder's personal email and team

shared inbox = 2455 minutes / 40 hours and 55 minutes.

It is likely that some of these documents will require redaction prior to release, however some will be either released in full or withheld in their entirety and therefore not be subject to redaction. Of the sample of 30 documents, 8 required redaction ($8 / 30 = 27\%$).

Redacting this sample took 29 minutes, and I would therefore estimate that redaction would take on average 4 minutes per document ($29/8$ (rounded up)).

27% of 964 documents is 260, and I estimate that the time taken to redact these documents at 4 mins per document would be 1040 minutes.

Therefore,

Total time for caseworker searches = 45 minutes (a)

Total time for sift = 2410 minutes (b)

Total time for redactions = 1040 minutes (c)

Total resource time = (a) + (b) + (c) = $45 + 2410 + 1040 = 3,495$ minutes = 58 hours and 15 minutes

58 hours and 15 minutes @ £15/per hour is £873.75

I estimate that, due to current emergency legislation work and the number of people involved in this, at least 30 colleagues would need to be asked to search for any information which might be covered by this FoI request, which would likely increase figure (a) in the search above.

If the above averages were applied to the total 2,454 documents found during the caseworker search (i.e. not narrowing the search purely to housing folders and caseworker's personal storage), the figures would be as follows:

Caseworker sift time = 45 mins

10% of 2,454 documents estimated to be out of scope = 245 documents, leaving 2209 documents in scope.

Estimated time taken to sift 2209 documents @ 2.5 minutes per document = 5523 mins

Estimated time taken to redact 27% of 2209 documents (596 documents) @ 4 mins per redaction = 2384 mins

Total time for caseworker searches = 45 minutes (d)

Total time for sift = 5523 minutes (e)

Total time for redactions = 2384 minutes (f)

Total resource time = (d) + (e) + (f) = $45 + 5523 + 2384 = 7952$ minutes = 132 hours and 32 minutes

132 hours and 32 minutes @ £15/per hour is £1988

Again, the figure at (d) would likely increase in practice, as upwards of 30 colleagues would need to be asked to carry out searches of their personal storage area.

From: [REDACTED]@gov.scot> On Behalf Of Freedom of Information
Sent: 15 September 2022 15:43
To: [REDACTED]@gov.scot>
Subject: RE: FOI - request 202200319758 [REDACTED]

Hi [REDACTED]

Sorry for the delay in responding,

We must ensure that we have fully robust grounds if we are going to refuse this request under section 12.

Therefore for our records we would recommend completing a full cost calculation as the one below would be considered a partial one. When considering issuing a refusal notice on the grounds of cost, we need to be able to provide evidence that this was the appropriate response

Just so you know that since this case is currently showing as sensitive if it does become a section 12 response then it can be downgraded to routine and SpAds and ministerial sight wouldn't be needed and it would just be routine approval,

I hope this information is helpful

Kind Regards,

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

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From: [REDACTED]@gov.scot>
Sent: 13 September 2022 16:56
To: Freedom of Information <foi@gov.scot>
Subject: RE: FOI - request 202200319758 [REDACTED]

Good afternoon [REDACTED]

Thank you very much for sending this through – it's been very useful.

I've been working on a sample today – I've got as far as searching and sifting – without either redacting anything or involving colleagues yet – and I think my estimate already puts us over 40 hours of work. I'd be grateful if you could look at the sample calculation below and confirm whether the FOI unit would be satisfied with us responding to the

applicant that the current request is outside the maximum cost for us to respond?

I have searched my own inbox, the team's inbox, and the most likely housing folders within eRDM using two sets of keywords ("rent control" and "rent freeze"), limiting the results to docs created within the dates set by the requester, and these searches came up with 1071 documents. It's highly likely that some of these will be duplicates because the recently proposed rent freeze is a form of rent control (which is why I have searched by both keywords), so in some documents both phrases will have been used, but this will by no means apply to all of them, as they two phrases relate to two separate policies and bits of legislation under discussion, and we'd be unable to be sure how much overlap there was without checking every document.

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- A sample of 30 documents took 74 minutes to sift to see whether they were within scope, therefore on average 2.5 minutes per document.
- Of the 30 documents, 3 were judged to be out of scope, which is 10%
- Assuming that out of scope replicated across docs, 1071 less 10% is 964.
- Time taken to sift 964 documents @ 2.5 minute per document = 2,410 minutes.
- My own searching took approx. 45 mins.
- Altogether that's 2455 minutes, which is nearly 41 hours.
- The most recent submission which went up covering this had 55 people from across SG on the copy list, not counting ministers. If we only counted policy colleagues from the immediate directorate plus analytics colleagues, that's 20 individuals from the copy list, plus other less senior people in their team who may also be working on the policy and would therefore also need to check for documents.

I'm assuming, given we're already looking at something which will clearly take over 40 hours, that I don't need to redact a sample of documents and time that etc and go through the rest of the cost estimation process, but grateful if you could confirm that.

If you're satisfied that this one is outwith the cost limit then I'll get the documents written up and send up for our deputy director so we can get something out to the requester.

Many thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Freedom of Information

Sent: 13 September 2022 13:37

To: [REDACTED] <[REDACTED]@gov.scot>

Subject: RE: FOI - request 202200319758 - [REDACTED]

Good morning [REDACTED]

Thank you for your email,

I have attached the initial triage email that contains the FOI guidance and links for this case, I have also attached a blank searches template and statement of compliance, I hope that helps.

In regards to the templates please find them here: FOI - Templates - FOISA Request Templates' - <https://erdm.scotland.gov.uk:8443/documents/A26996205/details>

In regards to the cost limit, in the estimate we are allowed to consider the cost of locating the information, so the time taken to actually complete the searches. This is usually the time for the case handler to complete a search of the official record (eRDM etc) and the time of any individuals asked to complete a search of their outlook/personal storage. In addition, we can also allow the time taken to sift through the initial search returns to identify the specific information in scope (not to consider information in detail or whether exceptions apply, just in/out of scope).

Having located (and retrieved as it is one in the same for electronic information) all of the 'in-scope' information we can then allow for the time it takes to complete the physical act of redaction, again not the thinking time to determine if exempt, but the time to prepare the documents for release.

The information above is usually worked up from completing a sample of documents. I have set out a mock example below which you might find useful in considering the volume of information further, however it will very much depend on the specifics of your case and therefore this should not be used as a fixed template:

Case handler searches – approx. 3 hours using key words/files known to hold information requested. = 180 minutes
5 other officials asked to search outlook/personal storage @ 12 minutes each = 60 minutes.

Total time for searches = 240 minutes (a)

You should use the searches template to record details of the searches used in your estimate.

Searches identified 600 documents which could potentially be within scope of the request – sample of 30 documents took 30 minutes therefore on average 1 minute per document. Time taken to sift 600 documents @ 1 minute per document = 600 minutes. (note this can also be in seconds where documents are limited in size)

NB: whilst this does not seem like a lot remember it is only to say if in or out of scope, this can be determined by the title in some cases, in other it might take a bit more time, but we are using the average.

Total time for sift = 600 minutes (b)

Of the 30 documents sifted it was found that 3 of these documents were out of scope, I have therefore assumed that this would be replicated across the documents for the purposes of this estimate. 10% ($3/30 \times 100$) of the 600 (60) initial documents would fall out with scope of the request. Total documents to be

considered is 540 (600-60).

It is likely that most of these documents will require redaction prior to release, however some will be either released in full or withheld in their entirety and therefore not be subject to redaction. I estimate that a further 10% of the 540 documents $((540 \times 10)/100)$ will not require redaction. 486 (540-54) of the documents will require redaction.

Having completed the required redaction in 5 documents taking 25 minutes and average of 5 minutes per document has been allowed for redaction. $486 \times 5 = 2430$ minutes

Total time for redactions = 2430 minutes (c)

Total resource time = (a) + (b) + (c) = 240 + 600 + 2430 = 3270 minutes = 54 hours and 30 minutes.

We are only allowed to use an upper value of £15.00 per hour to calculate the cost of responding (under FOISA this equates to 40 hours). This calculation, and having a good idea of the information held, should also assist in providing the required advice and assistance to the requester to sufficiently narrow the scope of his request to make it more manageable.

We are also required to save a copy of this estimate/calculation within the case file on eRDM

I hope this information has been helpful,

Kind Regards,

[REDACTED] | 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: [REDACTED] [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)

Sent: 12 September 2022 15:24

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

Subject: FOI - request 202200319758 [REDACTED]

Hi,

I've been assigned the above FoI in the MiCase system – would it be possible to have blank copies of the handling docs please (I think they're meant to be sent to the handler, but this one has come to me by a roundabout route so I don't have them).

The eRDM template versions linked to from the MiCase itself have all been overwritten

by numerous people with specific case details, so they're a bit hard to follow.

Also grateful for any further info beyond what's on saltire about deciding when a request is above the cost limit, as this one is pretty broad and I have some concerns about the time it might take to resolve.

Many thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot>

Sent: 12 September 2022 09:28

To: [REDACTED] <[REDACTED]@gov.scot>

Cc: [REDACTED] <[REDACTED]@gov.scot>

Subject: RE: FOI - request 202200319758 [REDACTED]

Morning [REDACTED]

[REDACTED] – can you pick this one up please?

[REDACTED]

[REDACTED]
Private Rented Sector Regulator Team
Housing Services and Rented Sector Reform Unit
Better Homes Division

Scottish Government | Atlantic Quay, Glasgow

Tel - [REDACTED]

[REDACTED] <[REDACTED]@gov.scot>

-

[REDACTED]



From: [REDACTED] <[REDACTED]@gov.scot>

Sent: 12 September 2022 09:10

To: [REDACTED] <[REDACTED]@gov.scot>

Subject: FW: FOI - request 202200319758 [REDACTED]

Morning [REDACTED]

Please see further FOI request that has come in.

[REDACTED] is already dealing with the other 4 FOIs – given the focus of this one, I wonder if [REDACTED] or [REDACTED] would have capacity to pick up?

Regards,

From: [REDACTED]@gov.scot>
Sent: 12 September 2022 09:08
To: Better Homes Business Management Unit <BHBMU@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: RE: FOI - request 202200319758 [REDACTED]

Hi [REDACTED]

Yes, go ahead and assign it to me. Thanks.

All best,
[REDACTED]

From: [REDACTED]@gov.scot> **On Behalf Of** Better Homes Business Management Unit
Sent: 09 September 2022 15:07
To: [REDACTED]@gov.scot>
Cc: Better Homes Business Management Unit <BHBMU@gov.scot>
Subject: FW: FOI - request 202200319758 [REDACTED]

Hello,

Would I be able to assign the below FOI to you?

Thanks,
[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 09 September 2022 14:58
To: [REDACTED]@gov.scot>; Better Homes Business Management Unit <BHBMU@gov.scot>
Cc: Director for Local Government and Housing <DirectorForLocalGovernment&Housing@gov.scot>
Subject: FW: FOI - request 202200319758 - [REDACTED]

[REDACTED]
I cannot remember if I forwarded the original on. Please see the date range though.

[REDACTED]

[REDACTED] | Local Government & Housing Directorate | 3F - N, Victoria

Quay I [REDACTED]@gov.scot

From: [REDACTED]@gov.scot> On Behalf Of Freedom of Information

Sent: 09 September 2022 14:29

To: [REDACTED]@gov.scot>

Cc: Director for Local Government and Housing
<DirectorForLocalGovernment&Housing@gov.scot>

Subject: FW: FOI - request 202200319758 [REDACTED]

Good afternoon [REDACTED]

The requester had not specified a date range for the case sent to you at 12:13, please find below the latest email from them advising of the date range for the scope of the request.

Kind Regards,

[REDACTED]

From: [REDACTED]

Sent: 09 September 2022 13:53

To: Central Enquiry Unit <CEU@gov.scot>

Subject: FOI request 202200319758

Your reference: 202200319758

I forgot to specify a date range for the request below. Please restrict the request to work/discussion carried out between 5th May 2016 and 9th September 2022.

On 9 Sep 2022, at 11:40, [REDACTED] > wrote:

Name and contact details:

[REDACTED]

[REDACTED]

FOI request:

Please provide any work/discussion conducted by the Scottish Government on the topic of rent controls, particularly international evidence for the efficacy of such policies.

From: [REDACTED] on behalf of [Freedom of Information](#)
To: [REDACTED]
Subject: RE: FOI - request 202200319758 [REDACTED]
Date: 15 September 2022 15:43:00
Attachments: [image001.png](#)
[image002.png](#)

Hi [REDACTED]

Sorry for the delay in responding,

We must ensure that we have fully robust grounds if we are going to refuse this request under section 12.

Therefore for our records we would recommend completing a full cost calculation as the one below would be considered a partial one. When considering issuing a refusal notice on the grounds of cost, we need to be able to provide evidence that this was the appropriate response

Just so you know that since this case is currently showing as sensitive if it does become a section 12 response then it can be downgraded to routine and SpAds and ministerial sight wouldn't be needed and it would just be routine approval,

I hope this information is helpful

Kind Regards,

[REDACTED] | 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: [REDACTED]@gov.scot>
Sent: 13 September 2022 16:56
To: Freedom of Information <foi@gov.scot>
Subject: RE: FOI - request 202200319758 [REDACTED]

Good afternoon [REDACTED]

Thank you very much for sending this through – it's been very useful.

I've been working on a sample today – I've got as far as searching and sifting – without either redacting anything or involving colleagues yet – and I think my estimate already puts us over 40 hours of work. I'd be grateful if you could look at the sample calculation below and confirm whether the FOI unit would be satisfied with us responding to the applicant that the current request is outside the maximum cost for us to respond?

I have searched my own inbox, the team's inbox, and the most likely housing folders within eRDM using two sets of keywords ("rent control" and "rent freeze"),

limiting the results to docs created within the dates set by the requester, and these searches came up with 1071 documents. It's highly likely that some of these will be duplicates because the recently proposed rent freeze is a form of rent control (which is why I have searched by both keywords), so in some documents both phrases will have been used, but this will by no means apply to all of them, as they two phrases relate to two separate policies and bits of legislation under discussion, and we'd be unable to be sure how much overlap there was without checking every document.

- Searches identified 1071 documents which could potentially be within scope of the request.
- A sample of 30 documents took 74 minutes to sift to see whether they were within scope, therefore on average 2.5 minutes per document.
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- My own searching took approx. 45 mins.
- Altogether that's 2455 minutes, which is nearly 41 hours.
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I'm assuming, given we're already looking at something which will clearly take over 40 hours, that I don't need to redact a sample of documents and time that etc and go through the rest of the cost estimation process, but grateful if you could confirm that.

If you're satisfied that this one is outwith the cost limit then I'll get the documents written up and send up for our deputy director so we can get something out to the requester.

Many thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Freedom of Information
Sent: 13 September 2022 13:37
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: FOI - request 202200319758 [REDACTED]

Good morning [REDACTED]

Thank you for your email,

I have attached the initial triage email that contains the FOI guidance and links for this case, I have also attached a blank searches template and statement of compliance, I hope that helps.

In regards to the templates please find them here: FOI - Templates - FOISA Request Templates' - <https://erdm.scotland.gov.uk:8443/documents/A26996205/details>

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I hope this information has been helpful,

Kind Regards,

[REDACTED] | 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: [REDACTED] [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 12 September 2022 15:24

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

Subject: FOI - request 202200319758 [REDACTED]

Hi,

I've been assigned the above FoI in the MiCase system – would it be possible to have blank copies of the handling docs please (I think they're meant to be sent to the handler, but this one has come to me by a roundabout route so I don't have them).

The eRDM template versions linked to from the MiCase itself have all been overwritten by numerous people with specific case details, so they're a bit hard to follow.

Also grateful for any further info beyond what's on saltire about deciding when a request

is above the cost limit, as this one is pretty broad and I have some concerns about the time it might take to resolve.

Many thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 12 September 2022 09:28
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: FOI - request 202200319758 - [REDACTED]

Morning [REDACTED]

[REDACTED] – can you pick this one up please?

[REDACTED]

[REDACTED]
[REDACTED]
Housing Services and Rented Sector Reform Unit
Better Homes Division

Scottish Government | Atlantic Quay, Glasgow
Tel - [REDACTED]
[REDACTED] <[REDACTED]@gov.scot>
-

[REDACTED]



From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 12 September 2022 09:10
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: FW: FOI - request 202200319758 - [REDACTED]

Morning [REDACTED]

Please see further FOI request that has come in.

[REDACTED] is already dealing with the other 4 FOIs – given the focus of this one, I wonder if [REDACTED] or [REDACTED] would have capacity to pick up?

Regards,

[REDACTED]
[REDACTED] Better Homes
Division | The Scottish Government | Telephone: [REDACTED]



From: [REDACTED]@gov.scot>
Sent: 12 September 2022 09:08
To: Better Homes Business Management Unit <BHBMU@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: RE: FOI - request 202200319758 - [REDACTED]

Hi [REDACTED]

Yes, go ahead and assign it to me. Thanks.

All best,
[REDACTED]

From: [REDACTED]@gov.scot> **On Behalf Of** Better Homes Business Management Unit
Sent: 09 September 2022 15:07
To: [REDACTED]@gov.scot>
Cc: Better Homes Business Management Unit <BHBMU@gov.scot>
Subject: FW: FOI - request 202200319758 - [REDACTED]

Hello,

Would I be able to assign the below FOI to you?

Thanks,
[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 09 September 2022 14:58
To: [REDACTED]@gov.scot>; Better Homes Business Management Unit <BHBMU@gov.scot>
Cc: Director for Local Government and Housing <DirectorForLocalGovernment&Housing@gov.scot>
Subject: FW: FOI - request 202200319758 [REDACTED]

[REDACTED]

I cannot remember if I forwarded the original on. Please see the date range though.

[REDACTED]

[REDACTED] | Local Government & Housing Directorate | 3F - N, Victoria Quay | [REDACTED]@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot> On Behalf Of Freedom of Information
Sent: 09 September 2022 14:29
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Director for Local Government and Housing
<[REDACTED]@gov.scot>
Subject: FW: FOI - request 202200319758 - [REDACTED]

Good afternoon [REDACTED]

The requester had not specified a date range for the case sent to you at 12:13, please find below the latest email from them advising of the date range for the scope of the request.

Kind Regards,
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: 09 September 2022 13:53
To: Central Enquiry Unit <[REDACTED]@gov.scot>
Subject: FOI request 202200319758

Your reference: 202200319758

I forgot to specify a date range for the request below. Please restrict the request to work/discussion carried out between 5th May 2016 and 9th September 2022.

On 9 Sep 2022, at 11:40, [REDACTED] wrote:

Name and contact details:

[REDACTED]

[REDACTED]

FOI request:

Please provide any work/discussion conducted by the Scottish Government on the topic of rent controls, particularly international evidence for the efficacy of such policies.

From: [Central Enquiry Unit](#)
To: [Freedom of Information](#)
Subject: FOI - COM - TRIAGE - Rent Controls - [REDACTED] MiCase 202200319758
Date: 09 September 2022 11:56:09
Attachments: [image001.jpg](#)

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](#). All FOI requests received must be registered on [Micase](#)

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



Please consider the environment before printing this e-mail



From: [REDACTED]
Sent: 09 September 2022 11:40
To: Central Enquiry Unit <CEU@gov.scot>
Subject: FOI request

Name and contact details:

[REDACTED]
[REDACTED]
[REDACTED]

FOI request:

Please provide any work/discussion conducted by the Scottish Government on the topic of rent controls, particularly international evidence for the efficacy of such policies.

From: [REDACTED] on behalf of [Freedom of Information](#)
To: [REDACTED]
Cc: [Director for Local Government and Housing](#)
Subject: FOI TRIAGE - Rent Controls - MiCase 202200319758
Date: 09 September 2022 12:13:00

Good 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 **07/10/2022**.

Immediate Actions

Please:

- 'Assign to self' through the 'Case Actions' tab on MiCase: [MiCase - View Case 319758](#)
- 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 **mandatory** [Pre-publication checklist for gov.scot](#) before 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.

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] | 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: [REDACTED] >
Sent: 09 September 2022 11:40
To: Central Enquiry Unit <CEU@gov.scot>
Subject: FOI request

Name and contact details:

[REDACTED]

[REDACTED]

FOI request:

Please provide any work/discussion conducted by the Scottish Government on the topic of rent controls, particularly international evidence for the efficacy of such policies.