

**From:** Redacted S38(1)(b)

**Sent:** 11 January 2024 13:09

**To:** Redacted S38(1)(b); Graeme Cook <Graeme.Cook@gov.scot>

**Cc:** Redacted S38(1)(b)

**Subject:** 26a REVIEW OF BACKGROUND NOTE FOR S6W - 24359

**Importance:** High

Good afternoon Redacted S38(1)(b) and Graeme,

Please find attached the proposed response to PQ S6W – 24359 asking if the Scottish Government has contracts with Fijitsu. Please review the response and background note prior to me issuing to Nick Ford and Private Office and note the deadline for Private Office submission is Tuesday 16<sup>th</sup> January.

Thanks,

Redacted S38(1)(b)

**From:** Redacted S38(1)(b) On Behalf Of Geoff Huggins

**Sent:** 16 January 2024 13:34

**To:** Graeme Cook <Graeme.Cook@gov.scot>; Geoff Huggins <Geoff.Huggins@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; **Redacted S38(1)(b)**

**Cc:** Permanent Secretary <PermanentSecretary@gov.scot>

**Subject:** 27 FMQ Top Picks - Request

**Redacted S38(1)(b)**

It is **Redacted S38(1)(b)** – Criminal Justice Division that has been leading on the FMQ:

- Post Office – Horizon IT System Miscarriages of Justice

**Redacted S38(1)(b)**

**From:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Sent:** 16 January 2024 12:25

**To:** Geoff Huggins <[Geoff.Huggins@gov.scot](mailto:Geoff.Huggins@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Solicitor to the Scottish Government <[solicitor@gov.scot](mailto:solicitor@gov.scot)>; **Redacted S38(1)(b)**

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>

**Subject:** RE: FMQ Top Picks - Request

**Redacted S38(1)(b),**

I agree with Geoff's position; I've contributed to the Justice FMQ on Fujitsu.  
Graeme

**From:** Geoff Huggins <[Geoff.Huggins@gov.scot](mailto:Geoff.Huggins@gov.scot)>

**Sent:** 16 January 2024 12:23

**To:** DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Solicitor to the Scottish Government <[solicitor@gov.scot](mailto:solicitor@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; **Redacted S38(1)(b)**

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>

**Subject:** RE: FMQ Top Picks - Request

**Redacted S38(1)(b)**

Is Fujitsu not a Justice issue?

Geoff Huggins

Director Digital  
Scottish Government

(mobile) 07515559192 (Please text first if you are not likely to be in my contacts as I do not routinely answer calls from unknown numbers.)

Please be aware **Redacted S38(1)(b)** and **Redacted S38(1)(b)** routinely read and deal with the correspondence in this mailbox.

**From: Redacted S38(1)(b) On Behalf Of** DG Corporate

**Sent:** Tuesday, January 16, 2024 12:14 PM

**To:** Solicitor to the Scottish Government <[solicitor@gov.scot](mailto:solicitor@gov.scot)>; Geoff Huggins

<[Geoff.Huggins@gov.scot](mailto:Geoff.Huggins@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; **Redacted S38(1)(b)**

**Cc:** DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>

**Subject:** FW: FMQ Top Picks - Request

**Importance:** High

Good Afternoon Colleagues

I hope you are well.

Please see email below –

- **Post Office/Horizon/Fujitsu** – Geoff/Graeme can you please confirm if you have an up to date FMQ for this ASAP?
- **Role of Lord Advocate** – Ruaridh/Team can you please confirm if you have an up to date FMQ for this ASAP?

Best wishes

**Redacted S38(1)(b)**



**\*\*\* PLEASE READ \*\*\***

***Responsibility for filing key documents and communications on the record, including those from DG Corporate, rests with relevant policy and operational areas within Directorates. The DG Support Team does not keep official records of such e-mails or attachments.***

**From: Redacted S38(1)(b) On Behalf Of** Permanent Secretary

**Sent:** Tuesday, January 16, 2024 12:05 PM

**To:** DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; DG Communities <[DGCommunities@gov.scot](mailto:DGCommunities@gov.scot)>; DG Health & Social Care <[DGHSC@gov.scot](mailto:DGHSC@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>

**Subject:** FMQ Top Picks - Request

**Importance:** High

Hi there

Can I check whether you hold the most up to date FMQ's re the below please?

- Post office/Horizon/Fujitsu
- Prison population
- XL bullies/dangerous dogs
- Housing
- Role of Lord Advocate
- Health stats
- Constitution (including staff costs)

If so would it be possible to send them to me please?

Thank you

**Redacted S38(1)(b)**

[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)

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

**From:** Redacted (S38)(1)(b))

**Sent:** 10 January 2024 16:25

**To:** Calum Elliot <Calum.Elliot@gov.scot>; Nick Ford <Nick.Ford@gov.scot>

**Cc:** Redacted (S38)(1)(b)) Graeme Cook <Graeme.Cook@gov.scot>

**Subject:** 28 Ministerial Engagement with BSA Scotland - input requested by Thu 11 Jan 24

Afternoon Calum,

Thank you for flagging this – the most recent list of attendees (supplied by Pater Campbell from BSA on Monday) does **not** have a representative from Fujitsu. The current list is:

Redacted (S38)(1)(b)) Sopra Steria (Chair)

Redacted (S38)(1)(b)) Director Connections (Consulting) Ltd

Redacted (S38)(1)(b)) HP

Redacted (S38)(1)(b)) WSP

Redacted (S38)(1)(b)) Netcompany

Redacted (S38)(1)(b)), Devolved Nations Maximus

Redacted (S38)(1)(b)) Balfour Beatty

Redacted (S38)(1)(b)) BSA

There is still time to sign up so I'll be going back to Redacted (S38)(1)(b)) before the weekend to confirm names – I propose that I ensure we confirm as sensitively as possible that there is not a Fujitsu rep on the day.

Briefing pack and ministerial address will be going up to Nick tomorrow afternoon for checking, by which time I will update the list of expected attendees – apologies for current anomaly.

Pack is then due to be with the minister's office next Tuesday a week in advance.

Kind regards,

Redacted (S38)(1)(b))

**From:** Calum Elliot <Calum.Elliot@gov.scot>

**Sent:** Wednesday, January 10, 2024 4:15 PM

**To:** Redacted (S38)(1)(b)); Graeme Cook <Graeme.Cook@gov.scot>

**Subject:** FW: Ministerial Engagement with BSA Scotland - input requested by Thu 11 Jan 24

You may be aware already, Nick, but Fujitsu are due to attend the BSA Scotland Ministerial roundtable later this month (p. 5 in the Briefing Doc refers).

**Calum Elliot**

Deputy Director, National Collaborative Procurement Division

Scottish Procurement | Scottish Government

Tel: 07770 702120

Email: [calum.elliott@gov.scot](mailto:calum.elliott@gov.scot)

Find us at: [www.gov.scot/procurement](http://www.gov.scot/procurement)

Follow Scottish Procurement online: [Twitter](#) | [LinkedIn](#) | [Vimeo](#) | [Blog](#)

**From: Redacted (S38)(1)(b))**

**Sent:** Wednesday, January 10, 2024 4:09 PM

**To:** Calum Elliot <[Calum.Elliott@gov.scot](mailto:Calum.Elliott@gov.scot)>

**Subject:** FW: Ministerial Engagement with BSA Scotland - input requested by Thu 11 Jan 24

Hi Calum,

**Redacted (S38)(1)(b))** sent me the links today, the attendees are listed on the Draft Briefing for Round Table doc.

- Briefing note: Ministerial Engagement - Draft Briefing for Round Table with BSA Scotland - 23 Jan 24 details - Objective ECM
- Speaking note: Ministerial Engagement - Draft speaking note for Round Table meeting with BSA Scotland - 23 Jan 2024 details - Objective ECM

**From:** Redacted(S38)(1)(b))  
**Sent:** Wednesday, January 10, 2024 4:13 PM  
**To:** Redacted(S38)(1)(b))  
**Cc:** Redacted(S38)(1)(b))  
**Subject:** 30 PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Thanks Redacted(S38)(1)(b)),

To keep all the information in the same email chain can you also provide contributing lines for the FOI I previously sent (attached for reference).

Thanks,

Redacted(S38)(1)(b))

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Redacted(S38)(1)(b))  
**Senior Portfolio Specialist**  
**Scottish Government Procurement Team**  
**Scottish Procurement & Property Directorate**

**From:** Redacted(S38)(1)(b))  
**Sent:** Wednesday, January 10, 2024 4:03 PM  
**To:** (Redacted(S38)(1)(b))  
**Cc:** Redacted(S38)(1)(b))  
**Subject:** 30 PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Thanks Redacted(S38)(1)(b))

**From:** Redacted(S38)(1)(b))  
**Sent:** Wednesday, January 10, 2024 3:59 PM  
**To:** Redacted(S38)(1)(b))  
**Cc:** Redacted(S38)(1)(b))  
**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Thanks Redacted(S38)(1)(b))

Redacted(S38)(1)(b)) – I will draft a contribution to these, clear with colleagues here and then run by you if that is OK?

Cheers

Redacted(S38)(1)(b))

Elections and Constitutional Projects Division  
Scottish Government

**From:** Redacted(S38)(1)(b))  
**Sent:** 10 January 2024 15:30  
**To:** Redacted(S38)(1)(b))  
**Cc:** Redacted(S38)(1)(b))  
**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hi Redacted(S38)(1)(b))

CC list for awareness

Can your team work with (Redacted (S (38)(1)(b)) on coordinating these and similar requests please, with me and Redacted(S38)(1)(b)) clearing final text (or someone else Redacted(S38)(1)(b)) nominates).

**For all to note** - this doesn't mean Redacted(S38)(1)(b))'s team holding the pen on everything, just that we're going to make sure queries/Fols/etc are allocated to appropriate action officers, and that Redacted(S38)(1)(b)) and I get the chance to ensure consistency.

Redacted(S38)(1)(b))

**From:** Redacted(S38)(1)(b))  
**Sent:** 10 January 2024 15:06  
**To:** Redacted(S38)(1)(b))  
**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hello Procurement colleagues

We have received the below PQs. Would these sit with your area at all and might we be able to allocate to someone in your team(s)? If not for you, please can you copy in relevant colleagues.

**S6W-24358:** To ask the Scottish Government, in light of the reported scandal regarding the Post Office accounting software, Horizon, whether it will review any existing contracts that it has with Fujitsu, formerly ICL, with strict testing criteria enforced and independent experts reviewing internal testing processes.

**S6W-24359:** To ask the Scottish Government what contracts it currently has with Fujitsu.

Redacted(S38)(1)(b)) – thank you for your help.

Many thanks

Redacted(S38)(1)(b))





You can find more detailed information on answering PQs here [Answering Parliamentary Questions \(PQs\)](#)

You can also download the PQs desk aid to print out and keep. It summarises the process and important timings to remember for delivering PQs each week.

If you or anyone in your team require any training/awareness in PQs please get in touch

**From: Redacted(S38)(1)(b))**

**Sent:** Wednesday, January 10, 2024 11:18 AM

**To: Redacted(S38)(1)(b))**

**Cc: Redacted(S38)(1)(b))**

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hi **Redacted(S38)(1)(b))**,

We were aware of the PQ ending 58 – attached is the response to **Redacted(S38)(1)(b))** where we reject the case. Think with this in mind that the PQ ending 59 would also sit best with procurement colleagues rather than Criminal Justice as although the context is the Horizon scandal the questions themselves are about procuring contracts with Fujitsu, which goes beyond our remit.

Thanks,

**Redacted(S38)(1)(b))**

**(Redacted(S38)(1)(b))**

**From: Redacted(S38)(1)(b))**

**Sent:** Wednesday, January 10, 2024 11:03 AM

**To: Redacted(S38)(1)(b))**

**Cc: Redacted(S38)(1)(b))**

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hi all,

Hope you're well, please see the below email chain.

Would you be able have a look over the two PQs below and let us know if they would sit with your area?

**S6W-24358** : To ask the Scottish Government, in light of the reported scandal regarding the Post Office accounting software, Horizon, whether it will review any existing contracts that it has with Fujitsu, formerly ICL, with strict testing criteria enforced and independent experts reviewing internal testing processes.

**S6W-24359** : To ask the Scottish Government what contracts it currently has with Fujitsu.

Many thanks

**Redacted(S38)(1)(b)) Redacted(S38)(1)(b))**

🌱 Before you print think about the ENVIRONMENT



You can find more detailed information on answering PQs here [Answering Parliamentary Questions \(PQs\)](#)

You can also download the PQs desk aid to print out and keep. It summarises the process and important timings to remember for delivering PQs each week.

If you or anyone in your team require any training/awareness in PQs please get in touch

**From: Redacted(S38)(1)(b))**

**Sent:** Wednesday, January 10, 2024 10:34 AM

**To: Redacted(S38)(1)(b))**

**Subject:** RE: PQ - S6W-24358 - Due 16th Jan

Hi **Redacted(S38)(1)(b))**

I think this would be for someone in Procurement policy to lead on as it is not about miscarriages of justice policy or the Horizon scandal as such, but about contracts that the SG has with Fujitsu (if any) which could cover a whole range of different areas. Certainly Criminal Justice Division doesn't itself have any contracts with Fujitsu

Thanks

**Redacted(S38)(1)(b))**

**From: Redacted(S38)(1)(b))**

**Sent:** 10 January 2024 10:19

**To: Redacted(S38)(1)(b))**

**Cc:** ET FMQ/PQ Mailbox <ETFMQPQ@gov.scot>

**Subject:** PQ - S6W-24358 - Due 16th Jan

Hello

I would appreciate it if you could take a look at the below PQ and let me know if this is for your area.

**S6W-24358** : To ask the Scottish Government, in light of the reported scandal regarding the Post Office accounting software, Horizon, whether it will review any existing contracts that it has with Fujitsu, formerly ICL, with strict testing criteria enforced and independent experts reviewing internal testing processes.

**S6W-24359** : To ask the Scottish Government what contracts it currently has with Fujitsu.

**PQ deadline is – 16/01/2024**

If not your area, grateful if you could let me know why and point me in the right direction of who you think may be able to lead.

Thank you in advance

**Redacted(S38)(1)(b))**

**CABINET SECRETARY FOR WELLBEING ECONOMY, FAIR WORK AND  
ENERGY MEETING WITH FUJITSU, TUESDAY 23 JANUARY 2024 – HORIZON  
COMPUTER SYSTEM SCANDAL**

**Virtual meeting**

**Attending:**

Neil Gray MSP, Cabinet Secretary for Wellbeing Economy, Fair Work and Energy  
**Redacted S38(1)(b)**, Fujitsu

**Also in attendance:**

Graeme Cook, Deputy Director, Head of SG Procurement Services  
**Redacted S38(1)(b)**  
**Redacted S38(1)(b)**

In discussion, the following key issues were raised:

- The Cabinet Secretary (CS) outlined the serious concerns of the Scottish Government to **Redacted S38(1)(b)** about the situation that has arisen. The CS sought reassurance about Fujitsu's approach to ensuring justice to those many people adversely affected by the use of the Horizon computer system and wished to understand how Fujitsu would be seeking to regain confidence in Fujitsu's operation.
- **Redacted S38(1)(b)** outlined evidence to UK Public Inquiry of **Redacted S38(1)(b)**, on Friday 19 January. In that evidence, it was stated by **Redacted S38(1)(b)** that Fujitsu had a 'moral obligation' to make good the loss on the Horizon scandal. This was the approach that **Redacted S38(1)(b)** indicated would guide Fujitsu.
- In making made clear the meeting was focused on Horizon rather than any other specific systems or contracts, the CS acknowledged the statements made in terms of how the culture within Fujitsu that led to Horizon can be changed, but wanted to understand more about the specific actions that have been and will be taken to achieve this.
- **Redacted S38(1)(b)** indicated the actions that led to this situation were unacceptable and they did not reflect the culture of what he knows from working in Fujitsu for 25 years. **Redacted S38(1)(b)** highlighted the whistleblower process within Fujitsu has been enhanced as part of the necessary response. **Redacted S38(1)(b)** stated that Fujitsu will not bid for public sector contracts while the UK Public Inquiry is ongoing.
- CS again acknowledged these steps, but keen to understand when Fujitsu may take further steps to ensure this never happens again and allow for cultural issues to be resolved. CS asked whether the UK Public Inquiry will need to end first?
- **Redacted S38(1)(b)** indicated it likely the findings of the UK Public Inquiry will lead to further action while stressing clear action already taken by Fujitsu.
- CS ended the meeting by noting future contracts will always need to be assessed on an individual basis including an assessment of the integrity of any potential supplier and it was important there was an understanding of that.

- **Redacted S38(1)(b)** stated this was an area Fujitsu are discussing with the UK Government Procurement Office Crown Representative and offered to engage with the Scottish Government's equivalent officer or focal point for such engagement.
- Graeme Cook stated that he is the focal point for such engagement and committed to arrange a subsequent meeting with **Redacted S38(1)(b)** to discuss next steps.

Justice Directorate, Scottish Government  
January 2024

**From: Redacted S38(1)(b)**

**Sent:** 12 January 2024 14:54

**To:** Graeme Cook <Graeme.Cook@gov.scot>; **Redacted S38(1)(b)**

**Cc:** **Redacted S38(1)(b)** Luke Mcbratney <Luke.Mcbratney@gov.scot>

**Subject:** 31 REVIEW OF BACKGROUND NOTE FOR S6W - 24359, S6W- 24358 and FOI 202400392047

I'm content with Graeme's edits – they add a useful further robustness to the response. I've marked in a small additional edit at the end just to tidy up the final sentence in the revised version.

**Redacted S38(1)(b)**

**From:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Sent:** Friday, January 12, 2024 1:35 PM

**To:** **Redacted S38(1)(b)**

**Cc:** **Redacted S38(1)(b)** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>

**Subject:** RE: REVIEW OF BACKGROUND NOTE FOR S6W - 24359, S6W- 24358 and FOI 202400392047

Thanks **Redacted S38(1)(b)**,

I'd like to be a bit more direct with 24258 as attached.

James – can you review this version please?

Graeme

**From: Redacted S38(1)(b)**

**Sent:** 12 January 2024 12:17

**To:** **Redacted S38(1)(b)**

**Cc:** **Redacted S38(1)(b)** Luke Mcbratney [Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)

**Subject:** RE: REVIEW OF BACKGROUND NOTE FOR S6W - 24359, S6W- 24358 and FOI 202400392047

**Importance:** High

All,

To keep all the responses and information relating to the PQs and FOI in one email chain please find attached and links below to the proposed responses to PQ S6W – 24358, S6W – 24359 and FOI 202400392047. I'd be grateful for your review prior to me submitting to Nick Ford and Private Office.

[@Graeme Cook](#) you have already approved PQ S6W-24359

**FOI response and documentation.**

Please note that under section 25(1) of FOISA we do not have to give information which is already reasonably accessible and in the public domain. The information Mr Fairley has requested is available in the public domain via Public Contracts Scotland Contract Register. In my response to Mr Fairley, I have provided a link to Public Contracts Scotland and a set of instructions to aid navigation to the Contracts

Register where the information is available. This would be our standard response to an FOI of this nature.

If you are all content with the FOI response and supporting documentation, can I please request that Graeme completes the approval form in the Submission and Decision Template Official Level document.

[FOI - Templates - Searches Template 202400392047 \(A46808282\)](#)

[FOI - Templates - Statement of Compliance - 202400392047 \(A46813341\)](#)

[FOI Submission and Decision Template Official level - 202400392047 \(A46813342\)](#)

[Draft Response-202400392047 \(A46813345\)](#)

[Instructions on how to access the Scottish Government Contract Register \(A46811549\)](#)

Happy to discuss further if needed.

**Redacted S38(1)(b)**

.....

.....



**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Friday, January 12, 2024 11:26 AM

**To: Redacted S38(1)(b)**

**Cc: Redacted S38(1)(b)** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>

**Subject:** RE: REVIEW OF BACKGROUND NOTE FOR S6W - 24359

Hi **Redacted S38(1)(b)**,

Here's our contribution to S6W-24358. I think you already have what you need on S6W-24359? But please keep me right if I've got that wrong – it's been hard to keep up with the various different email chains over the past few days! We'll come back to you separately on the FOI.

Thanks,

**Redacted S38(1)(b)**

**S6W-24358 Paul Sweeney:** To ask the Scottish Government, in light of the reported scandal regarding the Post Office accounting software, Horizon, whether it will review any existing contracts that it has with Fujitsu, formerly ICL, with strict testing criteria enforced and independent experts reviewing internal testing processes.

The Scottish Government has a contract for the provision of an electronic vote counting solution between the Scottish Ministers and Fujitsu Limited dated 16 October 2020. This contract delivered electronic vote counting services for the

Scottish Local Government elections held on 5 May 2022. The software used for electronic vote counting is specialist elections software provided by a separate elections company, as a sub-contractor to Fujitsu. The electronic counting solution was tested rigorously, independently assessed as secure and suitable, and successfully delivered the national Local Government elections in May 2022. The same elections specialist company provided the software that successfully counted votes and delivered the Local Government elections results in 2012 and 2017, as sub-contractors to a different prime contractor, CGI. The current contract also covers electronic vote counting services for Local Government by-elections held up to 31 January 2027. The solution remains in live operation for by-elections and there is no proposal for further testing.

### **Background Note**

1. Votes cast at Scottish Local Government elections have been electronically counted since the Single Transferable Vote (STV) system of proportional representation was introduced in 2007.
2. Following open competitions, the 2012 and 2017 electronic vote counting contracts were awarded to CGI and the 2022 contract was awarded to Fujitsu.
3. The electronic counting contract covers a range of services. While Fujitsu is the prime contractor, the contract includes sub-contractors. The key sub-contractor is Idox, whose Elections Services business provides specialist software for managing various aspects of elections, including electronic vote counting. Idox has been the software supplier since 2012, sub-contracting to both CGI and Fujitsu.
4. In addition to rigorous client (SG) and user testing (Local Government) over several months as part of the delivery project, the software has been independently tested to ensure it correctly calculates elections results in accordance with the STV method defined in legislation.
5. For the 2022 elections, Fujitsu set-up 32 separate local area networks, one for each Council. The operation of each counting centre was undertaken by Council staff and the delivery of each count was the legislative responsibility of the relevant Returning Officer.
6. The contract with Fujitsu remains in place to enable by-elections to be electronically counted. This operates on a call-off basis whereby Councils can choose to buy eCounting services if they wish. The Scottish Government has an ongoing monitoring – but no funding – role in this.

**From: Redacted S38(1)(b)**

**Sent:** Thursday, January 11, 2024 7:42 PM

**To: Redacted S38(1)(b)**



**Cc: Redacted S38(1)(b)** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>  
**Subject:** RE: REVIEW OF BACKGROUND NOTE FOR S6W - 24359

Hi **Redacted S38(1)(b)**,

I'll liaise with **Redacted S38(1)(b)** on the draft PQ S6W – 24359, suggested contribution for S6W-24358 and FOI tomorrow morning.

Your question is noted regarding the contract value, we have been debating the same on SGPT side. I'll move over to the separate email chain and highlight our findings with a view to agreeing the value which will be used in all briefings PQs, FOIs. .

Have a good weekend,

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**  
**Sent:** Thursday, January 11, 2024 7:07 PM  
**To: Redacted S38(1)(b)**  
**Cc: Redacted S38(1)(b)** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>  
**Subject:** RE: REVIEW OF BACKGROUND NOTE FOR S6W - 24359

Hi **Redacted S38(1)(b)**

I am not around tomorrow and Monday so **Redacted S38(1)(b)** will come back to you on this PQ as well as our suggested contribution to the other one (S6W-24358). Our responses are with Luke, our DD, for clearance.

Just a heads up though – we are unlikely to have any comments on this draft but we are flagging up a question on the contract value being quoted. At the risk of confusing things, I am about to copy you into a separate email chain on that question!

Cheers

**Redacted S38(1)(b)**



**From: Redacted S38(1)(b)**  
**Sent:** 11 January 2024 13:09  
**To: Redacted S38(1)(b)** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>  
**Cc: Redacted S38(1)(b)**  
**Subject:** REVIEW OF BACKGROUND NOTE FOR S6W - 24359  
**Importance:** High

Good afternoon **Redacted S38(1)(b)** and Graeme,

Please find attached the proposed response to PQ S6W – 24359 asking if the Scottish Government has contracts with Fijitsu. Please review the response and background note prior to me issuing to Nick Ford and Private Office and note the deadline for Private Office submission is Tuesday 16<sup>th</sup> January.

Thanks,

**Redacted S38(1)(b)**



**From:** Redacted S38(1)(b)

**Sent:** 11 January 2024 08:58

**To:** Redacted S38(1)(b)

**Cc:** Luke Mcbratney <Luke.Mcbratney@gov.scot>; Redacted S38(1)(b); Graeme Cook <Graeme.Cook@gov.scot>

**Subject:** 32 PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hi Redacted S38(1)(b),

Please allocated PQs [S6W-24358](#) and [S6W-24359](#) to myself (Jonathan Nicolson U451126).

Thanks

Redacted S38(1)(b)

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Redacted S38(1)(b)

**From:** Redacted S38(1)(b)

**Sent:** Wednesday, January 10, 2024 4:13 PM

**To:** Redacted S38(1)(b); Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Cc:** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Redacted S38(1)(b)

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Thanks Redacted S38(1)(b),

To keep all the information in the same email chain can you also provide contributing lines for the FOI I previously sent (attached for reference).

Thanks,

Redacted S38(1)(b)

---



Redacted S38(1)(b)

**From:** Redacted S38(1)(b)

**Sent:** Wednesday, January 10, 2024 4:03 PM

**To:** Redacted S38(1)(b); Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

Cc: Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; **Redacted S38(1)(b)** Subject: RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Thanks **Redacted S38(1)(b)**

**From:** Liz Ure <[Liz.Ure@gov.scot](mailto:Liz.Ure@gov.scot)>

**Sent:** Wednesday, January 10, 2024 3:59 PM

**To:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; **Redacted S38(1)(b)**

**Cc:** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Thanks Graeme

**Redacted S38(1)(b)** – I will draft a contribution to these, clear with colleagues here and then run by you if that is OK?

Cheers

**Redacted S38(1)(b)**



**From:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Sent:** 10 January 2024 15:30

**To:** **Redacted S38(1)(b)**

**Cc:** SPPD Business Management Mailbox <[SPCDBusinessManagement@gov.scot](mailto:SPCDBusinessManagement@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Calum Elliot <[Calum.Elliot@gov.scot](mailto:Calum.Elliot@gov.scot)>; Nikki Archer <[Nikki.Archer@gov.scot](mailto:Nikki.Archer@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hi **Redacted S38(1)(b)**,

CC list for awareness

Can your team work with **Redacted S38(1)(b)** on coordinating these and similar requests please, with me and **Redacted S38(1)(b)** clearing final text (or someone else **Redacted S38(1)(b)** nominates).

**For all to note** - this doesn't mean **Redacted S38(1)(b)**'s team holding the pen on everything, just that we're going to make sure queries/Fols/etc are allocated to appropriate action officers, and that Liz and I get the chance to ensure consistency.

Graeme

**From:** **Redacted S38(1)(b)** On Behalf Of ET FMQ/PQ Mailbox

**Sent:** 10 January 2024 15:06

**To:** **Redacted S38(1)(b)**

**Cc:** **Redacted S38(1)(b)**; SPPD Business Management Mailbox

<[SPCDBusinessManagement@gov.scot](mailto:SPCDBusinessManagement@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hello Procurement colleagues

We have received the below PQs. Would these sit with your area at all and might we be able to allocate to someone in your team(s) ? If not for you, please can you copy in relevant colleagues.

**S6W-24358 Paul Sweeney:** To ask the Scottish Government, in light of the reported scandal regarding the Post Office accounting software, Horizon, whether it will review any existing contracts that it has with Fujitsu, formerly ICL, with strict testing criteria enforced and independent experts reviewing internal testing processes.

**S6W-24359 Paul Sweeney:** To ask the Scottish Government what contracts it currently has with Fujitsu.

**Redacted S38(1)(b)** – thank you for your help.

Many thanks

**Redacted S38(1)(b)**



You can find more detailed information on answering PQs here [Answering Parliamentary Questions \(PQs\)](#)

You can also [download the PQs desk aid to print out and keep](#). It summarises the process and important timings to remember for delivering PQs each week.

If you or anyone in your team require any training/awareness in PQs please get in touch

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 11:18 AM

**To:** ET FMQ/PQ Mailbox <[ETFMQPQ@gov.scot](mailto:ETFMQPQ@gov.scot)>; SPPD Business Management Mailbox <[SPCDBusinessManagement@gov.scot](mailto:SPCDBusinessManagement@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Cc: Redacted S38(1)(b)**

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hi **Redacted S38(1)(b)**,

We were aware of the PQ ending 58 – attached is the response to **Redacted S38(1)(b)** where we reject the case. Think with this in mind that the PQ ending 59 would also sit best with procurement colleagues rather than Criminal Justice as although the context is the Horizon scandal the questions themselves are about procuring contracts with Fujitsu, which goes beyond our remit.

Thanks,

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 10:34 AM

**To:** ET FMQ/PQ Mailbox <[ETFMQPQ@gov.scot](mailto:ETFMQPQ@gov.scot)>; **Redacted S38(1)(b)****Subject:** RE: PQ - S6W-24358 - Due 16th Jan

Hi **Redacted S38(1)(b)**

I think this would be for someone in Procurement policy to lead on as it is not about miscarriages of justice policy or the Horizon scandal as such, but about contracts that the SG has with Fujitsu (if any) which could cover a whole range of different areas. Certainly Criminal Justice Division doesn't itself have any contracts with Fujitsu

Thanks

**Redacted S38(1)(b)**

**From:** Redacted S38(1)(b)

**Sent:** 11 January 2024 08:58

**To:** Redacted S38(1)(b)

**Cc:** Luke Mcbratney <Luke.Mcbratney@gov.scot>; Redacted S38(1)(b); Graeme Cook <Graeme.Cook@gov.scot>

**Subject:** 33 PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hi Redacted S38(1)(b),

Please allocated PQs [S6W-24358](#) and [S6W-24359](#) to myself (Jonathan Nicolson U451126).

Thanks

Redacted S38(1)(b)

---



Redacted S38(1)(b)

**From:** Redacted S38(1)(b)

**Sent:** Wednesday, January 10, 2024 4:13 PM

**To:** Redacted S38(1)(b); Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Cc:** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Redacted S38(1)(b)

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

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---



Redacted S38(1)(b)

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**Sent:** Wednesday, January 10, 2024 4:03 PM

**To:** Redacted S38(1)(b); Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>



Cc: Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; **Redacted S38(1)(b)** Subject: RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

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**Sent:** Wednesday, January 10, 2024 3:59 PM

**To:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; **Redacted S38(1)(b)**

**Cc:** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Thanks Graeme

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Cheers

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**Sent:** 10 January 2024 15:30

**To:** **Redacted S38(1)(b)**

**Cc:** SPPD Business Management Mailbox <[SPCDBusinessManagement@gov.scot](mailto:SPCDBusinessManagement@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Calum Elliot <[Calum.Elliot@gov.scot](mailto:Calum.Elliot@gov.scot)>; Nikki Archer <[Nikki.Archer@gov.scot](mailto:Nikki.Archer@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hi **Redacted S38(1)(b)**,

CC list for awareness

Can your team work with **Redacted S38(1)(b)** on coordinating these and similar requests please, with me and **Redacted S38(1)(b)** clearing final text (or someone else **Redacted S38(1)(b)** nominates).

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**To:** **Redacted S38(1)(b)**

**Cc:** **Redacted S38(1)(b)**; SPPD Business Management Mailbox

<[SPCDBusinessManagement@gov.scot](mailto:SPCDBusinessManagement@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

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**S6W-24359 Paul Sweeney:** To ask the Scottish Government what contracts it currently has with Fujitsu.

**Redacted S38(1)(b)** – thank you for your help.

Many thanks

**Redacted S38(1)(b)**



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You can also [download the PQs desk aid to print out and keep](#). It summarises the process and important timings to remember for delivering PQs each week.

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**Sent:** Wednesday, January 10, 2024 11:18 AM

**To:** ET FMQ/PQ Mailbox <[ETFMQPQ@gov.scot](mailto:ETFMQPQ@gov.scot)>; SPPD Business Management Mailbox <[SPCDBusinessManagement@gov.scot](mailto:SPCDBusinessManagement@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Cc: Redacted S38(1)(b)**

**Subject:** RE: PQ - S6W-24358 & S6W-24359 - Due 16th Jan

Hi **Redacted S38(1)(b)**,

We were aware of the PQ ending 58 – attached is the response to **Redacted S38(1)(b)** where we reject the case. Think with this in mind that the PQ ending 59 would also sit best with procurement colleagues rather than Criminal Justice as although the context is the Horizon scandal the questions themselves are about procuring contracts with Fujitsu, which goes beyond our remit.

Thanks,

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 10:34 AM

**To:** ET FMQ/PQ Mailbox <[ETFMQPQ@gov.scot](mailto:ETFMQPQ@gov.scot)>; **Redacted S38(1)(b)****Subject:** RE: PQ - S6W-24358 - Due 16th Jan

Hi **Redacted S38(1)(b)**

I think this would be for someone in Procurement policy to lead on as it is not about miscarriages of justice policy or the Horizon scandal as such, but about contracts that the SG has with Fujitsu (if any) which could cover a whole range of different areas. Certainly Criminal Justice Division doesn't itself have any contracts with Fujitsu

Thanks

**Redacted S38(1)(b)**

From: Redacted S38(1)(b) On Behalf Of zzzMinister for Community Wealth & Public Finance

Sent: 24 January 2024 10:32

To: Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; zzzMinister for Community Wealth & Public Finance <[zzzMinisterCWPF@gov.scot](mailto:zzzMinisterCWPF@gov.scot)>

Cc: zzzCabinet Secretary for Social Justice <[zzzCabSecSJ@gov.scot](mailto:zzzCabSecSJ@gov.scot)>; Cabinet Secretary for Wellbeing Economy, Fair Work & Energy <[CabSecWEFWE@gov.scot](mailto:CabSecWEFWE@gov.scot)>; zzzMinister for Parliamentary Business <[zzzMinisterforPB@gov.scot](mailto:zzzMinisterforPB@gov.scot)>; zzzzMinister for Local Government Empowerment & Planning <[zzzzMinisterLGEP@gov.scot](mailto:zzzzMinisterLGEP@gov.scot)>; Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; DG Communities <[DGCommunities@gov.scot](mailto:DGCommunities@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Nikki Archer <[Nikki.Archer@gov.scot](mailto:Nikki.Archer@gov.scot)>; Andy McClintock <[Andy.McClintock@socialsecurity.gov.scot](mailto:Andy.McClintock@socialsecurity.gov.scot)>; Denis McFadden <[Denis.McFadden@gov.scot](mailto:Denis.McFadden@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; **Redacted S38(1)(b)**

Subject: 34 Emailing: Fujitsu Briefing - Mr Arthur

Hi Graeme,

Thanks for sending, Mr Arthur has noted.

### **Redacted S38(1)(b)**

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

-----Original Message-----

From: Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

Sent: Thursday, January 11, 2024 4:19 PM

To: Minister for Community Wealth & Public Finance <[MinisterCWPF@gov.scot](mailto:MinisterCWPF@gov.scot)>

Cc: Cabinet Secretary for Social Justice <[CabSecSJ@gov.scot](mailto:CabSecSJ@gov.scot)>; Cabinet Secretary for Wellbeing Economy, Fair Work & Energy <[CabSecWEFWE@gov.scot](mailto:CabSecWEFWE@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>; Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; DG Communities <[DGCommunities@gov.scot](mailto:DGCommunities@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Nikki Archer <[Nikki.Archer@gov.scot](mailto:Nikki.Archer@gov.scot)>; Andy McClintock <[Andy.McClintock@socialsecurity.gov.scot](mailto:Andy.McClintock@socialsecurity.gov.scot)>; Denis McFadden <[Denis.McFadden@gov.scot](mailto:Denis.McFadden@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; **Redacted S38(1)(b)**

Subject: Emailing: Fujitsu Briefing - Mr Arthur

Please find attached a submission for Mr Arthur regrading Fujitsu contracts with Scottish public bodies.

Graeme

Graeme Cook

Deputy Director | Procurement Services Division My pronouns are he/him. Find out why I am sharing my pronouns here.

T: 07825 861 345

Scottish Government

<http://www.scotland.gov.uk/Topics/Government/Procurement>  
[www.gov.scot](http://www.gov.scot)

-----Original Message-----

From: Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

Sent: 11 January 2024 16:19

To: zzzMinister for Community Wealth & Public Finance

<[zzzMinisterCWPF@gov.scot](mailto:zzzMinisterCWPF@gov.scot)>

Cc: zzzCabinet Secretary for Social Justice <[zzzCabSecSJ@gov.scot](mailto:zzzCabSecSJ@gov.scot)>; Cabinet Secretary for Wellbeing Economy, Fair Work & Energy

<[CabSecWEFWE@gov.scot](mailto:CabSecWEFWE@gov.scot)>; zzzMinister for Parliamentary Business

<[zzzMinisterforPB@gov.scot](mailto:zzzMinisterforPB@gov.scot)>; zzzzMinister for Local Government Empowerment & Planning <[zzzzMinisterLGEP@gov.scot](mailto:zzzzMinisterLGEP@gov.scot)>; Permanent Secretary

<[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; DG

Communities <[DGCommunities@gov.scot](mailto:DGCommunities@gov.scot)>; DG Strategy and External Affairs

<[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Nikki Archer

<[Nikki.Archer@gov.scot](mailto:Nikki.Archer@gov.scot)>; Andy McClintock

<[Andy.McClintock@socialsecurity.gov.scot](mailto:Andy.McClintock@socialsecurity.gov.scot)>; Denis McFadden

<[Denis.McFadden@gov.scot](mailto:Denis.McFadden@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Luke

Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; **Redacted S38(1)(b)**

Subject: 34a Emailing: Fujitsu Briefing - Mr Arthur

Please find attached a submission for Mr Arthur regrading Fujitsu contracts with Scottish public bodies.

Graeme

Graeme Cook

Deputy Director | Procurement Services Division My pronouns are he/him. Find out why I am sharing my pronouns here.

T: 07825 861 345

Scottish Government

<http://www.scotland.gov.uk/Topics/Government/Procurement>  
[www.gov.scot](http://www.gov.scot)

-----Original Message-----

From: Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

Sent: 11 January 2024 14:22

To: Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>

Cc: DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; DG Communities

<[DGCommunities@gov.scot](mailto:DGCommunities@gov.scot)>; DG Strategy and External Affairs

<[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Nikki Archer

<[Nikki.Archer@gov.scot](mailto:Nikki.Archer@gov.scot)>; Andy McClintock

<[Andy.McClintock@socialsecurity.gov.scot](mailto:Andy.McClintock@socialsecurity.gov.scot)>; Denis McFadden

<[Denis.McFadden@gov.scot](mailto:Denis.McFadden@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Luke

Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Redacted S38(1)(b)

Subject: 38 Fujitsu - Scottish Public Sector Contracts and SG response - Paper for Perm Sec - 11 January 2024

Please find attached a briefing paper for the Perm Sec regarding Fujitsu contracts in the Scottish public sector.

Graeme

Graeme Cook

Deputy Director | Procurement Services Division My pronouns are he/him. Find out why I am sharing my pronouns here.

T: 07825 861 345

Scottish Government

<http://www.scotland.gov.uk/Topics/Government/Procurement>  
[www.gov.scot](http://www.gov.scot)

**From: Redacted S38(1)(b)**

**Sent:** 10 January 2024 14:18

**To: Redacted S38(1)(b)**

**Subject:** 40 Update on 12pm Fujitsu call

Hi all, please see update / lines below:

*Fujitsu's role in Horizon is one of the issues which is being reviewed by Sir Wyn Williams's statutory Inquiry. We have been monitoring the situation, in addition to continuing our business as usual monitoring of Fujitsu as a strategic supplier, but until the Inquiry has reported its factual findings it would be premature to assess Fujitsu's responsibility for the scandal.*

*In the light of the recent media and public interest in this matter, the Crown Rep and I will be meeting with the company to better understand their role and for them to talk us through the self-cleansing measures that have already taken by Fujitsu over the last few years. We will continue to actively monitor the situation but at this stage we have not issued, or are about to issue, any guidance/advice to Depts against awarding contracts to Fujitsu or excluding them from procurements.*

In addition, the dinner that was scheduled for tomorrow was cancelled last week.

Thanks

**Redacted S38(1)(b)**



**From:** Redacted S38(1)(b)  
**Sent:** 18 January 2024 16:47  
**To:** Graeme Cook <Graeme.Cook@gov.scot>  
**Subject:** 41 Contract Bid from Fujitsu

Graeme

See below trawl of emails and copies of other communications from **Redacted S38(1)(b)** regarding the tender exercise. The lead buyer from our team is **Redacted S38(1)(b)**.  
Summary of the project as requested:

- Customer - Independent Living Fund (Scotland)
- Customer's SRO is **Redacted S38(1)(b)** and the ILF Project lead is **Redacted S38(1)(b)**.
- The requirement title is for a "Digital Transformation Service". In summary ILF Scotland is seeking a development partner to assist the digital team with the transformation of its systems using Outsystems ([www.outsystems.com](http://www.outsystems.com)).
- The contract will be for a period of 12 months with the option to extend up to 2 years.
- The value/budget is £1.275 million.
- Procurement Route used – SG DPS.
- Following TRD we received 5 bids, of which one is Fujitsu.

Current Stage of the tender exercise - Evaluations completed and moderation meeting is due on **19 January 2024**.

Additional information, latest update from **Redacted S38(1)(b)** in light of the recent press release <https://www.bbc.co.uk/news/business-68017571>, is that we have asked Fujitsu if they will be withdrawing their bid but yet to hear back.

Let me know if you need any further information.

Kind regards

**Redacted S38(1)(b)**

The commercial information contained in this e-mail is for your information only and should not be divulged to any organisation outwith your department.



**From:** Redacted S38(1)(b)  
**Sent:** Friday, January 12, 2024 11:52 AM  
**To:** Redacted S38(1)(b)  
**Subject:** FW: Contract Bid from Fujitsu

Hi **Redacted S38(1)(b)**,

Just to keep you both in the loop, please see **Redacted S38(1)(b)**'s response below. I'm aware **Redacted S38(1)(b)** sent **Redacted S38(1)(b)**'s email onto Graeme so he is aware of the situation.

I should know the tender outcome this time next week.

Many thanks

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Friday, January 12, 2024 11:45 AM

**To: Redacted S38(1)(b)**

**Subject:** RE: Contract Bid from Fujitsu

Hi **Redacted S38(1)(b)**

Just to confirm that I suggest you bring this to Graeme's attention in the first instance, as he is co-ordinating Fujitsu-related issues.

I agree with you that the evaluation must be carried out fairly as would have been the case anyway, and then we will need to see where we are. Any decision to exclude must of course be grounded in the relevant provisions of the regulations.

**Redacted S38(1)(b)**

[www.gov.scot/procurement](http://www.gov.scot/procurement)

**From: Redacted S38(1)(b)**

**Sent:** Friday, January 12, 2024 11:30 AM

**To: Redacted S38(1)(b)**

**Subject:** Contract Bid from Fujitsu

Good Morning **Redacted S38(1)(b)**,

I hope you are doing well.

I recently went out to tender through the Scottish Government Digital Technology and Cyber Services DPS on behalf of Independent Living Fund (ILF) Scotland for Digital Transformation Services. 5 bids were received - 1 of which from Fujitsu. We are still in evaluation stage and are therefore unable to determine which bidder will be first ranked in the tender process, however, as Fujitsu are in the running and currently being investigated for fraud, ILF Scotland have huge concerns over the reputational and political risks in awarding a contract to them.

We have been clear with the evaluators that they need to be careful that the evaluation process isn't contaminated by an unwillingness to see Fujitsu emerge as the first-ranked bidder, however, assured them if that were to happen, we would not look to railroad them into a contract that they did not want to have.

I appreciate the tender outcome is unknown at this stage, however, if Fujitsu ended up being first ranked in the tender process, what would/could we do on this occasion

to prevent them being awarded the contract given the reputational and political risks attached?

Happy to discuss further.

Many thanks  
**Redacted S38(1)(b)**



Please note my working pattern is Monday, Tuesday, Thursday & Friday.

**From:** Redacted S38(1)(b)

**Sent:** 11 January 2024 10:02

**To:** Nick Ford <Nick.Ford@gov.scot>; Calum Elliot <Calum.Elliot@gov.scot>; **Redacted S38(1)(b)**

**Subject:** 42 Fujitsu

Morning Nick,

Fujitsu Services Limited are on Lot 1 and Lot 2 of the Digital Technology and Cyber Services DPS. To secure a place on the DPS, they required to meet our minimum criteria and to submit a case study. Their submission was deemed suitable to be added to the DPS and we have no legal grounds currently to exclude them. The only way we could legally remove them would be to terminate the whole agreement however that would carry significant legal and financial risk and would not be a recommended route.

A DPS does not allow for a Direct Award so the only way to award a contract under the DPS is via further competition, under the terms of the Regs all providers must be invited to bid. Our agreement allows for an initial stage prior to mini comp where all providers on the relevant Lot are invited to express an interest in a requirement, once expressions of interest are received, only those who submitted an EOI are invited to tender. We cannot disbar any organisation from this process. As far as we know Social Security Scotland are the only government agency with a live contract with Fujitsu placed under the DPS, but James and team will continue to check and will keep you updated.

Best Regards

**Redacted S38(1)(b)**

**From:** Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>

**Sent:** Thursday, January 11, 2024 8:17 AM

**To:** Calum Elliot <[Calum.Elliot@gov.scot](mailto:Calum.Elliot@gov.scot)>; **Redacted S38(1)(b)**

**Cc:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Subject:** RE: Fujitsu

Thanks

Are we able to remove them from the DPS? Do we need a reason or can we do it for convenience?

If not, how does the call down process operate and is it possible to monitor any potential awards?

**Regards,**

**Nick Ford** (he/him), FCIPS, CGMA  
Director, Procurement & Property  
The Scottish Government.  
Mobile: 07775550660

Directors Office Manager – Fiona Brown  
Email: [nick.ford@gov.scot](mailto:nick.ford@gov.scot)  
Find us at: [www.gov.scot/procurement](http://www.gov.scot/procurement)  
Follow Scottish Procurement online: [Twitter](#) | [LinkedIn](#) | [Vimeo](#) | [Blog](#)



**From:** Calum Elliot <[Calum.Elliot@gov.scot](mailto:Calum.Elliot@gov.scot)>  
**Sent:** 10 January 2024 17:50  
**To:** **Redacted S38(1)(b)**  
**Cc:** Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>  
**Subject:** RE: Fujitsu

Ok thanks **Redacted S38(1)(b)**. Please feed that back to Graeme (who's leading on the Sub for Perm Sec) direct tomorrow am, cc me please.

**Calum Elliot**  
Deputy Director, National Collaborative Procurement Division  
Scottish Procurement | Scottish Government  
Tel: 07770 702120  
Email: [calum.elliott@gov.scot](mailto:calum.elliott@gov.scot)  
Find us at: [www.gov.scot/procurement](http://www.gov.scot/procurement)  
Follow Scottish Procurement online: [Twitter](#) | [LinkedIn](#) | [Vimeo](#) | [Blog](#)

**From:** **Redacted S38(1)(b)**  
**Sent:** Wednesday, January 10, 2024 5:15 PM  
**To:** Calum Elliot <[Calum.Elliot@gov.scot](mailto:Calum.Elliot@gov.scot)>; **Redacted S38(1)(b)**  
**Subject:** RE: Fujitsu

Calum

Fujitsu are not a supplier under any of our frameworks. They are on the Digital Services DPS and we are currently checking the current and previous iterations to see if they have been awarded any business and have any live contracts.

**Redacted S38(1)(b)**



**From:** Calum Elliot <[Calum.Elliot@gov.scot](mailto:Calum.Elliot@gov.scot)>  
**Sent:** Wednesday, January 10, 2024 11:48 AM  
**To:** Redacted S38(1)(b)  
**Subject:** FW: Fujitsu

Grateful if you can also check whether Fujitsu are on any of our frameworks or DPS; and if they are, any info on live call-offs, spend etc.

**From:** Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>  
**Sent:** Wednesday, January 10, 2024 10:49 AM  
**To:** Calum Elliot <[Calum.Elliot@gov.scot](mailto:Calum.Elliot@gov.scot)>; Chief Surveyor <[Chief.Surveyor@gov.scot](mailto:Chief.Surveyor@gov.scot)>; Redacted S38(1)(b); Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; James Hall <[James.Hall@gov.scot](mailto:James.Hall@gov.scot)>; Redacted S38(1)(b); Nikki Archer <[Nikki.Archer@gov.scot](mailto:Nikki.Archer@gov.scot)>  
**Cc:** Redacted S38(1)(b)  
**Subject:** Fujitsu

Hi

With the expectation of increased interest in Fujitsu, I have asked Nicola's team to pull contract & spend data for SG and wider public sector (I suspect limited), Nikki is also looking at media lines for 'blacklisting', including if UKG take a hard position. Graeme and me are attending a UKG commercial director call at 12, I will update after.

In the mean time if any queries come to your or your teams please let me know.

Regards,

**Nick Ford** (he/him), FCIPS, ACMA, CGMA  
Director, Procurement & Property  
The Scottish Government.  
Mobile: 07775550660  
Email: [nick.ford@gov.scot](mailto:nick.ford@gov.scot)

Redacted S38(1)(b)



**From: Redacted S38(1)(b)**

**Sent:** 12 January 2024 13:33

**To:** zzzMinister for Community Wealth & Public Finance <zzzMinisterCWPF@gov.scot>; zzzfirstminister24 <zzzfirstminister24@gov.scot>; zzzDeputy First Minister and Cabinet Secretary for Finance <zzzDFMCSF@gov.scot>; Cabinet Secretary for Justice & Home Affairs <CabSecJHA@gov.scot>; zzzCabinet Secretary for Social Justice <zzzCabSecSJ@gov.scot>; zzzMinister for Parliamentary Business <zzzMinisterforPB@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>

**Cc: Redacted S38(1)(b);** Graeme Cook <Graeme.Cook@gov.scot>; Nick Ford <Nick.Ford@gov.scot>; Nikki Archer <Nikki.Archer@gov.scot>; Andy McClintock <Andy.McClintock@socialsecurity.gov.scot>; Denis McFadden <Denis.McFadden@gov.scot>; Dominic Munro <Dominic.Munro@gov.scot>; Luke Mcbratney <Luke.Mcbratney@gov.scot>; HQ CE Executive Secretariat <HQCEExecutiveSecretariat@prisons.gov.scot>; zzzDirector of Culture and Major Events <zzzDirectorofcultureandmajorevents@gov.scot>; DG Corporate <dgcorporate@gov.scot>; DG Communities <DGCommunities@gov.scot>; DG Strategy and External Affairs <DGSEA@gov.scot>; Communications Deputy First Minister, Economy and Gaelic <DFMEG@gov.scot>; Communications Justice and Home Affairs <CommunicationsJusticeAndHomeAffairs@gov.scot>; Communications Social Justice <CommunicationsSocialJustice@gov.scot>; Internal Communications <InternalCommunications@gov.scot>; Communications Constitution, External Affairs and Culture <CommunicationsConstitutionExternalAffairsAndCulture@gov.scot>; Communications Net Zero, Energy and Rural Affairs <CommunicationsNetZero&RuralAffairs@gov.scot>; zzzzMinister for Local Government Empowerment & Planning <zzzzMinisterLGEP@gov.scot>

**Subject:** 43 For Ministerial Clearance - Media Query - SG Fujitsu Contracts - Sunday Mail

**For Clearance: Minister for Community Wealth and Public Finance**

**For Awareness: First Minister; Deputy First Minister and Cabinet Secretary for Finance; Cabinet Secretary for Justice and Home Affairs; Cabinet Secretary for Social Justice; Minister for Parliamentary Business; Lord Advocate; Permanent Secretary**

We've been approached by **Redacted S38(1)(b)** at the Sunday Mail regarding SG, and wider public agency, contracts with Fujitsu, the company involved in the Horizon/Post Office story. **Redacted S38(1)(b)** notes one of these was awarded in 2020 to run local election counting systems and Fujitsu's website says it has existing contracts with the Scottish Government, Scottish Water and Historic Environment Scotland.

He goes on to ask:

- can you comment on whether it was right to award the election counting contract, and tell me the value of this contract?
- could you also give me a list of existing contracts with the Scottish Government and Scottish Government agencies and comment on whether you believe an ongoing relationship with the company is appropriate.

Following discussions with colleagues, we asked the journalist to contact Scottish Water and Historic Environment Scotland directly.

Grateful if you can advise if Mr Arthur is content with the proposed response below, which has been agreed with officials and SpAds. To note, the spokesperson comment has been cleared already by the Permanent Secretary as part of a submission put to him yesterday by officials.

Thanks,

**Redacted S38(1)(b)**

A Scottish Government spokesperson said:

“Fujitsu’s role in Horizon is one of the issues which is being reviewed by Sir Wyn Williams’s statutory Inquiry, instructed by the UK Government. We will carefully consider the outcome of the Inquiry and any implications it has for public contracts in Scotland.”

**Background**

The Scottish Government is aware of the following live contracts.

- Scottish Government contract for the electronic counting of votes cast at the Local Government elections in 2022 and subsequent by-elections. The contract award value was £6,345,172.
- Social Security Scotland contract for its Outsystems platform which provides support for a number of business and technology applications. The contract award value was £500,000.
- Scottish Prisons Service contract for relocation of a datacentre. The contract award value was £437,000.

**Media Query – Sunday Mail**

I'm writing a story about the fact Fujitsu, the IT company at the centre of the Post Office scandal, has been awarded a number of contract with Scottish Government agencies.

One of these was to run local election counting systems awarded in 2020 despite a court ruling the year before that it had been at fault.

Fujitsu's website says it has existing contracts with the Scottish Government, Scottish Water and Historic Environment Scotland.

Can you comment on whether it was right to award the election counting contract, and tell me the value of this contract.



Could you also give me a list of existing contracts with the Scottish Government and Scottish Government agencies and comment on whether you believe an ongoing relationship with the company is appropriate.

**From:** Redacted S38(1)(b)  
**Sent:** 11 January 2024 15:50  
**To:** Graeme Cook <Graeme.Cook@gov.scot>  
**Cc:** Redacted S38(1)(b)  
**Subject:** 45 Fujitsu [SEC=OFFICIAL]

Hi Graeme – to see note from **Redacted S38(1)(b)** re SPS contract  
Regards  
**Redacted S38(1)(b)**

**From:** Redacted S38(1)(b)  
**Sent:** Thursday, January 11, 2024 3:25 PM  
**To:** Redacted S38(1)(b)  
**Cc:** Redacted S38(1)(b)  
**Subject:** RE: Fujitsu [SEC=OFFICIAL]

OFFICIAL

Hi **Redacted S38(1)(b)**

Sorry for the delay. I have back to back meetings pretty much all week...

Yes, we have a contract with Fujitsu Services Limited for provision of our secondary data centre, details below:

- Start/end date: Awarded Nov 18 - 21<sup>st</sup> Dec 2018 start and 31<sup>st</sup> May 2025 Expiry
- Value: c. £ 65k p.a. Est. total contract value £ 437k (6 years service plus initial relocation costs)
- Contract description and Purpose and key elements of the contracts  
Relocation of the SPS secondary data centre, and the on-going Co-Location Service for server hardware. Background: SPS had a SDC (Caird house @Sth Lanarkshire Council). Latter was ceasing to operate so we procured the relocation and ongoing operation. Proc Route: mini-competition under SG Hosting Services Framework SP-14-004 now expired....two tenders received in practice).
- 

Note: Whilst the contract is with Fujitsu, in practice the work has been delivered by Data Vita as Fujitsu's subcontractor – more than 95% of the activity was delivered by Data Vita in practice.

Hope this helps, happy to discuss further as required.

**Redacted S38(1)(b)**

*[View SPS Contract Opportunities at: Public Contracts Scotland](#)*



The Scottish Prison Service supports the [Supplier Development Programme](#)  
The Programme assists businesses to tender for public contracts.



Helping to build a safer Scotland - Unlocking Potential - Transforming Lives



Save a tree...please don't print this e-mail *unless you really need to*

OFFICIAL

**From: Redacted S38(1)(b)**

**Sent:** Thursday, January 11, 2024 10:56 AM

**To: Redacted S38(1)(b)**

**Cc: Redacted S38(1)(b)**

**Subject:** RE: Fujitsu

Morning **Redacted S38(1)(b)**– sorry to chase you but any chance you could have someone provide this.

Kind regards

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 2:35 PM

**To: Redacted S38(1)(b)**

**Cc: Redacted S38(1)(b)**

**Subject:** Fujitsu

Hi **Redacted S38(1)(b)** – Happy New Year!

We are gathering information on Fujitsu contracts within Scottish public sector and PCS has indicated that SPS may have a live contract with them. Would you mind sharing with us details of any contracts you have including

- Start/end date
- Value
- Contract description and
- Purpose and key elements of the contracts

Kind regards

**Redacted S38(1)(b)**



**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** 11 January 2024 11:43

**To: Redacted S38(1)(b)**

**Cc: Redacted S38(1)(b);** Graeme Cook <Graeme.Cook@gov.scot>

**Subject:** 46 URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

**Importance:** High

Hi **Redacted S38(1)(b)**,

You have probably already seen much of the correspondence around Fujitsu and see lines below. We have carried out a check in MPIP but do not have any live contracts with Fujitsu. It is worth noting that SSS Agency do have a live contract and SSS procurement colleagues have pulled together some lines for a submission that is going to their Cab Sec. I have enclosed these for ease of reference.

If you need anything further then please let me know.

Thanks

**Redacted S38(1)(b)**

**From:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Sent:** 11 January 2024 10:43

**To: Redacted S38(1)(b)**

**Subject:** FW: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

**From: Redacted S38(1)(b)**

**Sent:** 11 January 2024 10:40

**To:** Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>; **Redacted S38(1)(b)**;

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; FMPU : FMQ Team <[DLMPOBFMPFMS@gov.scot](mailto:DLMPOBFMPFMS@gov.scot)>

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

**Redacted S38(1)(b)**,

The top lines have been amended to include the final two bullets, provided by Procurement colleagues.

Redacted S38(1)(b)

## Top Lines

- A contract was awarded to Fujitsu Services Limited in October 2020 to deliver electronic vote counting for the Scottish local government elections held on 5 May 2022, following an open procurement competition.
- The electronic counting of all votes cast at the local government elections took place successfully and as scheduled on 6 May 2022.
- The software that handles the processing and counting of votes is provided by a separate specialist election services company, as a sub-contractor of Fujitsu.
- Fujitsu provided the IT infrastructure and equipment required to operate the specialist software, along with Project Management and logistical services.
- The contract can be used by Councils until January 2027 to provide electronic vote counting services for Local Government by-elections.
- An open competition to invite tenders for the provision of electronic vote counting services for the 2027 Local Government elections and subsequent by-elections will take place in 2024/2025.
- Fujitsu's role in Horizon is one of the issues which is being reviewed by Sir Wyn Williams's statutory Inquiry, instructed by the UK Government.
- Until the Inquiry has reported its factual findings it would be premature to assess Fujitsu's responsibility for the scandal and any implications for public contracts in Scotland.

**From:** Redacted S38(1)(b)

**Sent:** Thursday, January 11, 2024 9:30 AM

**To:** Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Redacted S38(1)(b); Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; FMPU : FMQ Team <[DLMPOBFMPFMS@gov.scot](mailto:DLMPOBFMPFMS@gov.scot)>

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

All original copy recipients please note that **Redacted S38(1)(b)** have now been added for the purposes of seeing and clearing the top lines at the foot of the email, for inclusion in FM's briefing material for FMQs.

Redacted S38(1)(b)

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 8:38 PM

**To:** Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; **Redacted S38(1)(b)**; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>

**Subject:** URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

PS/Cabinet Secretary for Justice and Home Affairs

PS/Minister for Parliamentary Business

PS/Minister for Local Government Empowerment and Planning

### **SG contract with Fujitsu – electronic counting (eCounting) for Local Government Elections**

In light of recent high-profile events and media reporting throughout the course of today, your Ministers will wish to be aware of the position regarding the Scottish Government's current contractual relationship with Fujitsu. As Mr Adam will be aware, I am providing this note as the contract manager and policy lead for the project that delivered the system that electronically counted the votes cast at the 2022 Local Government elections; however its contents and subsequent advice to Ministers and the Permanent Secretary that will follow has been agreed collectively between my team, Procurement and Comms.

Procurement colleagues have conducted a search of Scottish Government contracts databases and identified the Electronic Counting (eCounting) for Local Government elections contract as the only live contract with Fujitsu. Procurement colleagues further advise that the UK Statutory Inquiry into the Horizon scandal is ongoing so it is yet to be determined whether or not Fujitsu were, or are, at fault or hold any liability. There are therefore no associated grounds on which to terminate public contracts.

The eCounting contract between the Scottish Ministers and Fujitsu Limited was agreed on 16 October 2020 following an open procurement competition. The main part of the contract was successfully delivered on 6 May 2022 when the votes cast at the national Local Government elections were eCounted and election results declared across Scotland as scheduled. The contract is still live as it covers the provision of electronic vote counting services for Local Government by-elections held up to 31 January 2027. As Mr Adam will be aware, and Mr FitzPatrick from his Ministerial involvement in previous Local Government elections, the software used is specialist elections software provided by Idox Limited, a sub-contractor to Fujitsu (and previously CGI in 2012 and 2017). The IT system and the Idox software were subject to rigorous testing – led by a senior SG Digital professional based within the SG Elections Team, over a period of several months – before acceptance. In addition, the Idox software was independently tested and certified to prove it correctly records votes and calculates election results in accordance with the rules set out in legislation. The software remains in live operation for by-elections.

Procurement colleagues will be providing further detailed information and advice in a submission to the Permanent Secretary, which is expected to be submitted tomorrow, and we are collectively working on providing draft replies to PQs received today from Paul Sweeney MSP, for Ministers' consideration.

In terms of Comms, we have provided the following top lines which Comms colleagues can incorporate into any lines that they may provide – subject to your Ministers' and SpAds' clearance – in response to media enquiries over the coming days.

### **Electronic Counting Contract with Fujitsu Services Limited – Top Lines**

- A contract was awarded to Fujitsu Services Limited in October 2020 to deliver electronic vote counting for the Scottish Local Government elections held on 5 May 2022, following an open procurement competition.
- The electronic counting of all votes cast at the local government elections took place successfully and as scheduled on 6 May 2022.
- The software that handles the processing and counting of votes is provided by a separate specialist elections services provider, as a sub-contractor of Fujitsu.
- Fujitsu provided the IT infrastructure and equipment required to operate the specialist software, along with Project Management and logistical services.
- The contract can be used by Councils until January 2027 to provide electronic vote counting services for Local Government by-elections.
- An open competition to invite tenders for the provision of electronic vote counting services for the 2027 Local Government elections and subsequent by-elections will take place in 2024/2025.

I hope this note is helpful in keeping your Ministers up-to-date. We will provide further information and advice over the coming days as necessary but if you or your Ministers have any questions then please don't hesitate to contact me (and/or the Elections Division DD, Luke McBratney – cc'd).

Thanks,

**Redacted S38(1)(b)**



Following a competitive tender exercise, Social Security Scotland awarded a contract to Fujitsu in September 2023 for the support of applications on the OutSystems platform.

The contract will provide Social Security Scotland with 3<sup>rd</sup> line technical support for a range of applications that have been developed on the platform over several years by various 3<sup>rd</sup> party suppliers. The contract will also support any future applications currently in development or developed in future.

The contract operates on a draw down basis ensuring Social Security Scotland only pays for the support requested. As such, there is no minimum spend commitment for this contract.

The contract is valued at £250,000 per annum and will run for an initial two year period from 26<sup>th</sup> September 2023 until 25<sup>th</sup> September 2025 with the option to extend for a further two years until 25<sup>th</sup> September 2027. The value of the contract may increase in line with the amount of support required.

Any contract extension is subject to satisfactory supplier performance and is at the sole discretion of Social Security Scotland.



**From:** Redacted S38(1)(b)

**Sent:** 11 January 2024 13:24

**To:** Graeme Cook <Graeme.Cook@gov.scot>; Andy McClintock <Andy.McClintock@socialsecurity.gov.scot>; **Redacted S38(1)(b)**

**Subject:** 47 URGENT - SG contract with Fujitsu - electronic vote counting - information for Ministers

Hi Graeme,

The terms and conditions for the Social Security Scotland contract with Fujitsu Services Ltd are bespoke, however they are based on the SG ICT Model Service Terms. The Termination Rights, Termination on Insolvency, Change of Control or Financial Distress and the no fault Break Clause are the same as the SG ICT Model Service Terms.

If we chose to Break the required notice period is 3 months and would incur costs of **Redacted S33(1)(b)** for each month remaining on the initial contract period which is currently 20 months at a total cost of **Redacted S38(1)(b)**

You are correct in that we could choose not to draw down on the services.

Regards

**Redacted S38(1)(b)**



Social Security Scotland  
Tèarainteachd Shòisealta Alba

**From:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Sent:** 11 January 2024 12:19

**To:** Andy McClintock <[Andy.McClintock@socialsecurity.gov.scot](mailto:Andy.McClintock@socialsecurity.gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

Hi all,  
(reduced copy list)

I'm preparing a brief for the Perm Sec on all Fujitsu contracts across the Scottish public sector and have been asked to include lines on the potential for termination for the major agreements. Does your contract include a 'no-fault' termination clause and if so, can you tell me the notice period and any provisions regarding costs that SSS would have to pay Fujitsu?

As your agreement is based on draw-downs, am I right in thinking that termination is a moot point because you could just choose to stop drawing down services? I realise such a decision would have huge implications for the stability of your systems, but in pure contractual terms, is that right?

Thanks,  
Graeme

**From:** Andy McClintock <[Andy.McClintock@socialsecurity.gov.scot](mailto:Andy.McClintock@socialsecurity.gov.scot)>

**Sent:** 11 January 2024 11:31

**To:** Redacted S38(1)(b); Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>;

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; FMPU : FMQ Team <[DLMPOBFMPFMS@gov.scot](mailto:DLMPOBFMPFMS@gov.scot)>

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers  
**Importance:** High

I can confirm that lines provided by Social Security Scotland colleagues are correct and accurate.

Thanks

**Andy McClintock**  
**Chief Digital Information Officer**  
**Social Security Scotland**

Phone: **01382 931888**

Mobile: **07500 848456**

Email: [andy.mcclintock@socialsecurity.gov.scot](mailto:andy.mcclintock@socialsecurity.gov.scot)

Website: [www.socialsecurity.gov.scot](http://www.socialsecurity.gov.scot)

*If you receive an email from me late in the evening, early in the morning or at the weekend, please do not feel that you need to reply immediately. Working flexibly suits me but I don't expect others to respond outside of their normal office hours.*



**From:** Redacted S38(1)(b)

**Sent:** Thursday, January 11, 2024 11:21 AM

**To:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister

for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>; Andy McClintock <[Andy.McClintock@socialsecurity.gov.scot](mailto:Andy.McClintock@socialsecurity.gov.scot)>; **Redacted S38(1)(b)**

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; FMPU : FMQ Team <[DLMPOBFMPFMQS@gov.scot](mailto:DLMPOBFMPFMQS@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

Hi Colleagues

**Redacted S38(1)(b)** has advised that as this is a social security contract, they can't confirm. Adding Andy and **Redacted S38(1)(b)** in the hope they can assist

Best wishes

**Redacted S38(1)(b)**

**From:** **Redacted S38(1)(b)**

**Sent:** Thursday, January 11, 2024 10:55 AM

**To:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>; **Redacted S38(1)(b)**

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; FMPU : FMQ Team <[DLMPOBFMPFMQS@gov.scot](mailto:DLMPOBFMPFMQS@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

Thanks Graeme

Colleagues I'd like to give FM these before FMQs so please confirm as soon as you can?

Thanks

**Redacted S38(1)(b)**

**From:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Sent:** Thursday, January 11, 2024 10:54 AM

**To:** Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>; **Redacted S38(1)(b)**

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; FMPU : FMQ Team <[DLMPOBFMPFMS@gov.scot](mailto:DLMPOBFMPFMS@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

Lines below from Social Security Scotland on their contract. Can **Redacted S38(1)(b)** confirm these are the right lines please?

- Following a competitive tender exercise, Social Security Scotland awarded a contract to Fujitsu in September 2023 for the support of applications on the OutSystems platform.
- The contract will provide Social Security Scotland with 3<sup>rd</sup> line technical support for a range of applications that have been developed on the platform over several years by various 3<sup>rd</sup> party suppliers. The contract will also support any future applications currently in development or developed in future.
- The contract operates on a draw down basis ensuring Social Security Scotland only pays for the support requested. As such, there is no minimum spend commitment for this contract.
- The contract is valued at £250,000 per annum and will run for an initial two year period from 26<sup>th</sup> September 2023 until 25<sup>th</sup> September 2025 with the option to extend for a further two years until 25<sup>th</sup> September 2027. The value of the contract may increase in line with the amount of support required.
- Any contract extension is subject to satisfactory supplier performance and is at the sole discretion of Social Security Scotland.

**From:** **Redacted S38(1)(b)**

**Sent:** 11 January 2024 10:44

**To:** **Redacted S38(1)(b)**; Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; FMPU : FMQ Team <[DLMPOBFMPFMS@gov.scot](mailto:DLMPOBFMPFMS@gov.scot)>

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

Suggested tweak to the last point.

Thanks

**From: Redacted S38(1)(b)**

**Sent:** Thursday, January 11, 2024 10:40 AM

**To:** Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>; **Redacted S38(1)(b)**

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; FMPU : FMQ Team <[DLMPOBFMPFMS@gov.scot](mailto:DLMPOBFMPFMS@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

**Redacted S38(1)(b),**

The top lines have been amended to include the final two bullets, provided by Procurement colleagues.

**Redacted S38(1)(b)**

## Top Lines

- A contract was awarded to Fujitsu Services Limited in October 2020 to deliver electronic vote counting for the Scottish local government elections held on 5 May 2022, following an open procurement competition.
- The electronic counting of all votes cast at the local government elections took place successfully and as scheduled on 6 May 2022.
- The software that handles the processing and counting of votes is provided by a separate specialist election services company, as a sub-contractor of Fujitsu.
- Fujitsu provided the IT infrastructure and equipment required to operate the specialist software, along with Project Management and logistical services.
- The contract can be used by Councils until January 2027 to provide electronic vote counting services for Local Government by-elections.
- An open competition to invite tenders for the provision of electronic vote counting services for the 2027 Local Government elections and subsequent by-elections will take place in 2024/2025.
- Fujitsu's role in Horizon is one of the issues which is being reviewed by Sir Wyn Williams's statutory Inquiry, instructed by the UK Government.
- We will carefully consider the outcome of the Inquiry and any implications it has for public contracts in Scotland.

**From: Redacted S38(1)(b)**

**Sent:** Thursday, January 11, 2024 9:30 AM

**To:** Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; FMPU : FMQ Team <[DLMPOBFMPFMS@gov.scot](mailto:DLMPOBFMPFMS@gov.scot)>; **Redacted**

**S38(1)(b)**

**Subject:** RE: URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

All original copy recipients please note that **Redacted S38(1)(b)** have now been added for the purposes of seeing and clearing the top lines at the foot of the email, for inclusion in FM's briefing material for FMQs.

**Redacted S38(1)(b)**



**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 8:38 PM

**To:** Cabinet Secretary for Justice & Home Affairs <[CabSecJHA@gov.scot](mailto:CabSecJHA@gov.scot)>; Minister for Parliamentary Business <[MinisterforPB@gov.scot](mailto:MinisterforPB@gov.scot)>; Minister for Local Government Empowerment & Planning <[MinisterLGEP@gov.scot](mailto:MinisterLGEP@gov.scot)>

**Cc:** Permanent Secretary <[PermanentSecretary@gov.scot](mailto:PermanentSecretary@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>; DG Education & Justice <[dgej@gov.scot](mailto:dgej@gov.scot)>; DG Corporate <[dgcorporate@gov.scot](mailto:dgcorporate@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Director for Local Government and Housing <[DirectorForLocalGovernmentandHousing@gov.scot](mailto:DirectorForLocalGovernmentandHousing@gov.scot)>; Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; EFD : Elections <[DLCEABEFDE@gov.scot](mailto:DLCEABEFDE@gov.scot)>; Spads Admin <[Spads\\_Admin@gov.scot](mailto:Spads_Admin@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** URGENT: SG contract with Fujitsu - electronic vote counting - information for Ministers

PS/Cabinet Secretary for Justice and Home Affairs

PS/Minister for Parliamentary Business

PS/Minister for Local Government Empowerment and Planning

### **SG contract with Fujitsu – electronic counting (eCounting) for Local Government Elections**

In light of recent high-profile events and media reporting throughout the course of today, your Ministers will wish to be aware of the position regarding the Scottish Government's current contractual relationship with Fujitsu. As Mr Adam will be aware, I am providing this note as the contract manager and policy lead for the project that delivered the system that electronically counted the votes cast at the 2022 Local Government elections; however its

contents and subsequent advice to Ministers and the Permanent Secretary that will follow has been agreed collectively between my team, Procurement and Comms.

Procurement colleagues have conducted a search of Scottish Government contracts databases and identified the Electronic Counting (eCounting) for Local Government elections contract as the only live contract with Fujitsu. Procurement colleagues further advise that the UK Statutory Inquiry into the Horizon scandal is ongoing so it is yet to be determined whether or not Fujitsu were, or are, at fault or hold any liability. There are therefore no associated grounds on which to terminate public contracts.

The eCounting contract between the Scottish Ministers and Fujitsu Limited was agreed on 16 October 2020 following an open procurement competition. The main part of the contract was successfully delivered on 6 May 2022 when the votes cast at the national Local Government elections were eCounted and election results declared across Scotland as scheduled. The contract is still live as it covers the provision of electronic vote counting services for Local Government by-elections held up to 31 January 2027. As Mr Adam will be aware, and Mr FitzPatrick from his Ministerial involvement in previous Local Government elections, the software used is specialist elections software provided by Idox Limited, a sub-contractor to Fujitsu (and previously CGI in 2012 and 2017). The IT system and the Idox software were subject to rigorous testing – led by a senior SG Digital professional based within the SG Elections Team, over a period of several months – before acceptance. In addition, the Idox software was independently tested and certified to prove it correctly records votes and calculates election results in accordance with the rules set out in legislation. The software remains in live operation for by-elections.

Procurement colleagues will be providing further detailed information and advice in a submission to the Permanent Secretary, which is expected to be submitted tomorrow, and we are collectively working on providing draft replies to PQs received today from Paul Sweeney MSP, for Ministers' consideration.

In terms of Comms, we have provided the following top lines which Comms colleagues can incorporate into any lines that they may provide – subject to your Ministers' and SpAds' clearance – in response to media enquiries over the coming days.

#### **Electronic Counting Contract with Fujitsu Services Limited – Top Lines**

- A contract was awarded to Fujitsu Services Limited in October 2020 to deliver electronic vote counting for the Scottish Local Government elections held on 5 May 2022, following an open procurement competition.
- The electronic counting of all votes cast at the local government elections took place successfully and as scheduled on 6 May 2022.
- The software that handles the processing and counting of votes is provided by a separate specialist elections services provider, as a sub-contractor of Fujitsu.
- Fujitsu provided the IT infrastructure and equipment required to operate the specialist software, along with Project Management and logistical services.
- The contract can be used by Councils until January 2027 to provide electronic vote counting services for Local Government by-elections.

- An open competition to invite tenders for the provision of electronic vote counting services for the 2027 Local Government elections and subsequent by-elections will take place in 2024/2025.

I hope this note is helpful in keeping your Ministers up-to-date. We will provide further information and advice over the coming days as necessary but if you or your Ministers have any questions then please don't hesitate to contact me (and/or the Elections Division DD, Luke McBratney – cc'd).

Thanks,

**Redacted S38(1)(b)**





**From:** Redacted S38(1)(b)

**Sent:** 10 January 2024 16:20

**To:** Redacted S38(1)(b) Graeme Cook <Graeme.Cook@gov.scot>

**Cc:** Luke Mcbratney <Luke.Mcbratney@gov.scot>

**Subject:** 48 Fujitsu eCounting contract - lines to take and background

Graeme – just to add that I think Mr FitzPatrick as LG Minister ought to be included too. I'm happy to liaise with Ministerial private offices if that would be helpful but don't want to cut across or duplicate what you're doing.

Redacted S38(1)(b)



**From:** Redacted S38(1)(b)

**Sent:** Wednesday, January 10, 2024 4:06 PM

**To:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Cc:** Redacted S38(1)(b); Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>

**Subject:** RE: I: Fujitsu eCounting contract - lines to take and background

Hi Graeme, we need to ensure that Mr Adam and Ms Constance are kept informed – are you planning to copy the submission to them for portfolio interest? Are you planning to get it up today?

If we can help with anything or indeed if you think we ought to put something to Ministers separately please let me know.

Cheers

Redacted S38(1)(b)



**From:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Sent:** 10 January 2024 15:17

**To:** Redacted S38(1)(b); Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>

**Cc:** Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>;

Redacted S38(1)(b)

**Subject:** RE: I: Fujitsu eCounting contract - lines to take and background

Perfect.

Thanks Redacted S38(1)(b)

**From:** Redacted S38(1)(b)

**Sent:** 10 January 2024 15:15

**To:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>; Redacted S38(1)(b)

**Cc:** Redacted S38(1)(b); Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Dominic Munro

<[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>

**Subject:** RE: I: Fujitsu eCounting contract - lines to take and background

Hi Graeme

I can confirm there is no ongoing payment to Fujitsu from SG in relation to by-elections. We did make a small one-off payment last year (£7,136) to enable a third set of by-election equipment to be set-up and tested. We are not expecting to make any further payments, so the income for Fujitsu (and Idox) from the contract is solely based on Councils asking them to supply by-election services.

There have been 10 by-elections delivered so far between November 2022 and now, with a further 2 due very shortly. These are done using a call-off agency agreement. The terms of the revised contract for by-elections includes areas where prices are fixed (core services) and some variable pricing (such as equipment delivery costs). Councils have paid a total of £254,358 so far for these services. It is worth noting that a significant proportion of the costs are for the printing and distribution of ballot papers and for Idox election services.

The existing by-election contract with Fujitsu ends on January 2026. For the 2027 elections, a fresh open procurement will be held. The RPA for that was submitted just before Christmas in fact!

Hope this is helpful?

**Redacted S38(1)(b)**



**From:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Sent:** 10 January 2024 14:56

**To:** Redacted S38(1)(b); Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>

**Cc:** Redacted S38(1)(b); Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Dominic Munro

<[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; DG Strategy and External Affairs <[DGSEA@gov.scot](mailto:DGSEA@gov.scot)>

**Subject:** RE: I: Fujitsu eCounting contract - lines to take and background

Thanks **Redacted S38(1)(b)**,

A quick query – in order to support/allow by-elections, is there any regular payment to Fujitsu from SG or does all the money come from the LA's accounts?

Also, do you expect the Fujitsu contract to be a feature of the next Scotland-wide Local Government elections?

Graeme

**From:** Redacted S38(1)(b)

**Sent:** 10 January 2024 13:56

**To:** Redacted S38(1)(b); Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>

**Cc:** Redacted S38(1)(b); Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Subject:** RE: I: Fujitsu eCounting contract - lines to take and background

Apologies, resending to correct email recipient list – please reply to this version!

Thanks

Redacted S38(1)(b)



**From:** Redacted S38(1)(b)

**Sent:** 10 January 2024 13:50

**To:** Redacted S38(1)(b); Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>

**Cc:** Redacted S38(1)(b); Luke Mcbratney <[Luke.Mcbratney@gov.scot](mailto:Luke.Mcbratney@gov.scot)>; Dominic Munro <[Dominic.Munro@gov.scot](mailto:Dominic.Munro@gov.scot)>; Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Subject:** I: Fujitsu eCounting contract - lines to take and background

Hi Nick and Redacted S38(1)(b)

Further to our Teams chat, Redacted S38(1)(b) and I have prepared the attached lines to take and background for inclusion in the submission. If you need anything else or would like more detail, please let us know.

Very happy to discuss.

Redacted S38(1)(b)



**From: Redacted S38(1)(b)**

**Sent:** 11 January 2024 08:12

**To: Redacted S38(1)(b);** Graeme Cook <Graeme.Cook@gov.scot>

**Cc: Redacted S38(1)(b)**

**Subject:** 49 Fujitsu

Graeme – please see notes from **Redacted S38(1)(b)**. Let us know if you need anything else on SG contract. I have not heard anything back from either SPS or HES

Regards

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 5:26 PM

**To: Redacted S38(1)(b)**

**Cc: Redacted S38(1)(b)**

**Subject:** FW: Fujitsu

Afternoon all,

Answers to the questions from **Redacted S38(1)(b)** below in red:

- Start/end date
  - Commencement date of contract 16<sup>th</sup> October 2020.
  - Current expiring date is 31 Jan 2027.
- Value –
  - The Contract Notice provided an estimated value of £7.3m.
  - The contract value per the Contract Award Notice was £6,345,172
  - **Important point** – the figure given in the CAN (c£6.3m), was for the 2022 local elections only and does not include the bi-elections.
  - For the purposes of the Contract, bi-elections are dealt with via a rate card.
  - **Redacted S38(1)(b)**, has confirmed that to date, there have been 10 Bi-elections at a cost of circa £250k in total. The majority of which is paid for by the local authorities.
- View about termination clauses – what are they
  - Standard ICT model service contract was used.
  - This includes a standard 'break' clause which allows SG to terminate the contract providing 3 months' notice is given– please note that SG would be liable for the suppliers 'unavoidable losses'. Essentially this means that all of the suppliers costs (except for profit), could be charged to the SG, albeit they are expected to utilise insurance to cover losses where possible.
  - The contract also includes the standard clause for termination linked to 'default'.

If you need more, please let me know.

Thanks

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 1:45 PM

**To:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; **Redacted S38(1)(b)**

**Cc: Redacted S38(1)(b)**

**Subject:** RE: Fujitsu

Re below, we are pulling the requested info together and should have it with you shortly. **Redacted S38(1)(b)** will email it.

We also have an FOI (attached) for reply by 5/2/24 which is asking:

I should be grateful if you could provide the following information relating to contracts currently in place between the Scottish Government and Fujitsu:

1. The title of any contract(s)
2. A clear description of that contract and it's purpose
3. The value of that contract
4. The commencement date and duration of that contract

The eCounting contract is the only live contract showing on PCS.

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 12:58 PM

**To: Redacted S38(1)(b)**

**Cc:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; **Redacted S38(1)(b)**

**Subject:** RE: Fujitsu

**Redacted S38(1)(b)** – just to keep you in the loop as we believe there may be an FOI

Thanks

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 12:54 PM

**To: Redacted S38(1)(b)**

**Cc:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Subject:** FW: Fujitsu

Hi **Redacted S38(1)(b)** –would you mind looking this out as it was one of yours and extract briefly key facts

- Start/end date
- Value
- View about termination clauses – what are they
- Anything else you think might be of interest for Graeme/Nick

Thanks

**Redacted S38(1)(b)**

**From: Redacted S38(1)(b)**

**Sent:** Wednesday, January 10, 2024 12:48 PM

**To:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>; **Redacted S38(1)(b)**

**Cc: Redacted S38(1)(b)**

**Subject:** RE: Fujitsu

**Redacted S38(1)(b)**

We will check but I think this is Fujitsu and a live contract.



Redacted S38(1)(b)

<http://www.scotland.gov.uk/Topics/Government/Procurement>

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1 ream of paper = 6% of a tree and 5.4kg CO2 in the atmosphere  
3 sheets of A4 paper = 1 litre of water

**From:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Sent:** 10 January 2024 12:16

**To:** Redacted S38(1)(b)

**Subject:** FW: Fujitsu

Hi both,

I think we have only one potential contract with Fujitsu – Local Gov election counting. Do we know if this has expired? Looks like it can be extended into the 2030s (the second attachment, 'Data – Fujitsu').

Redacted S38(1)(b)

**From:** Redacted S38(1)(b)

**Sent:** 10 January 2024 11:56

**To:** Graeme Cook <[Graeme.Cook@gov.scot](mailto:Graeme.Cook@gov.scot)>

**Subject:** FW: Fujitsu

FYI, I suspect Nick will share with you anyway. Let me know if you need anything from us.

Redacted S38(1)(b)

**From:** Nicola Fobister

**Sent:** Wednesday, January 10, 2024 11:55 AM

**To:** Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>

**Subject:** RE: Fujitsu

Hi Nick

Please find the spend data for Fujitsu which has been taken from DXC, we've added a summary sheet on tab 2 broken down by - all public sector/SG only/Central Government only. Contractual data (second spreadsheet) is taken from PCS and all contracts have been put in place by SG. Please note that we can't align spend from DXC with specific Contracts in PCS. Any questions, let me know.  
Cheers

Redacted S38(1)(b)

**From:** Nick Ford <[Nick.Ford@gov.scot](mailto:Nick.Ford@gov.scot)>

**Sent:** Wednesday, January 10, 2024 8:29 AM

**To: Redacted S38(1)(b)**

**Subject:** Fujitsu

Hi **Redacted S38(1)(b)**

Please have the team pull any spend and any contracts (SG & public sector) with Fujitsu, since 2013. I suspect we have very little, but if we can check please.

**Regards,**

**Nick Ford** (he/hi

m), FCIPS, ACMA, CGMA

Director, Procurement & Property

The Scottish Government.

Mobile: 07775550660

Email: [nick.ford@gov.scot](mailto:nick.ford@gov.scot)

Directors Office Manager – Fiona Brown

**Redacted S38(1)(b)**

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