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Mr E Wyllie
By e-mail:
request-25112-4eb73c55@whatdotheyknow.com

Our ref: Fol/10/00004
11 January 2010

Dear Mr Wyllie

Thank you for your email request of 24 December requesting information under section 8 of the Freedom of Information (Scotland) Act 2002. You requested copies of documents in an electronic format relating to:

- information about correspondence between the Scottish Health Council and the Scottish Government from 31 December 2007; and
- information about memoranda or reports made since 31 December 2007 about the Scottish Health Council.

I am afraid that it is not reasonably clear to us what particular information you are seeking and so your request to us is invalid. In relation to correspondence between the Scottish Health Council and the Scottish Government, I should be grateful if you would confirm the specific information to which you refer? Also in relation to information about memoranda and reports made since 31 December 2007, what specific information about the Scottish Health Council do you refer? I would add that the part of your request asking for copies of documents is also invalid. As you may be aware, the recent Court of Session judgement - Glasgow City Council and Dundee City Council v Scottish Information Commissioner [2009] CSIH 73 (issued on 30 September 2009) - clarified that the Freedom of Information (Scotland) Act 2002 (FOISA) gives a right to information, not documents, and that information requests must identify precisely the information sought. A request is not valid if it does not, in accordance with section 8(1)(c) of FOISA, describe the information requested. As such that part of your request for copies of documents cannot be considered.

I should be happy to assist you to frame a valid request. Please do not hesitate to contact me if you need help in rephrasing your request to clearly describe the specific information, rather than the documents.

Yours sincerely

Sandra Falconer

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