

08 April 2019

REF: 84

Dear Ally Tibbitt

Freedom of Information request – Brexit Assessments

Your request sent 22 September 2019 was for the following information, with our response provided below each point of the request:

“...relates to the process of planning and preparing for a possible future when the UK may not be a member of the European Union (‘Brexit’)”

1. How much has been spent on external consultants or support to advise on the implications and consequences of brexit, or recommend actions to mitigate any possible brexit impacts? If spend has occurred, please confirm the name of the supplier or suppliers and copies of any material produced by this process.

We do not hold any information because no spend has occurred.

2. Please supply copies of any brexit planning documentation held by the organisation or consumed by senior management. This may include, but should not be limited to, Risk Assessments, Action Plans, Meeting minutes, Reports and presentations.

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3. Please supply technical or advisory briefing documentation on brexit that has been produced by the organisation and supplied to other government agencies or bodies.

We have one paper, from the Environment & Economy Leaders' Group. An exemption under section 29(1)(a) of FOISA (formulation or development of government policy) applies the information requested because it relates to the development of the Scottish Government's policy on future EU engagement.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications. Their candour in doing so will be affected by their assessment of whether the discussions on future EU engagement will be disclosed in the near future, when it may undermine or constrain the Government's view on that policy while it is still under discussion and development.

4. Please supply copies of any technical or advisory documentation that has been supplied to the agency from other public bodies that relates to Brexit contingency planning.

We do not hold any information

5. Please supply details of any assessment that has been made of the financial impact on the organisation, either positive or negative, of the brexit process. Has the organisation set-aside a contingency fund or invested as a direct consequence of the brexit process? If so, please provide summary details.

We do not hold any information; nor have we set-aside a contingency fund or invested as a direct consequence of the Brexit process

Right to request a review under FOISA

You have a right under FOISA to request a review of this decision. If you wish to exercise this right, you must write to us to request a review within forty working days of receipt of this decision. Your request for a review must be in writing and you must specify your name and address for correspondence. You should also specify your reasons for requesting a review. Should you wish to request a review, please address your request to:

Renée Lefrançois (renee.lefrancois@crownestatescotland.com)

Right to apply to the Scottish Information Commissioner under FOISA

If you are dissatisfied with the outcome of this review, you have a right to apply to the Scottish Information Commissioner for a decision. If you wish to do so, you must apply to the Commissioner within six months following the date of receipt of the review notice. The Commissioner's contact details are:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife KY16 9DS
Email: enquiries@itspublicknowledge.info
Tel: 01334 464610

The Commissioner also has an online appeal portal which can be accessed at this link: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Right of appeal on a point of law to the Court of Session

If, having applied to the Commissioner for a decision, you are not satisfied with that decision, you have a right of appeal on a point of law to the Court of Session under section 56 of FOISA.

Complaints



**Crown Estate
Scotland**

Oighreachd a' Chrùin Alba

Should you have any complaints about our handling of your review request, please contact:

Helen Howden (helen.howden@crownestatescotland.com)

Yours sincerely

Renée Lefrançois

Business Information Co-ordinator

renee.lefrancois@crownestatescotland.com