



The Scottish Parliament  
Pàrlamaid na h-Alba

Information Management and Governance  
Scottish Parliament  
Edinburgh  
EH99 1SP

foi.officer@parliament.scot

11 April 2023

Dear Requester,

**REQUEST FOR INFORMATION: 2023-685691**

We acknowledge your request for the following information:

*To request copies of all dates whereby the Parliament was approached by anyone regarding :-*

*The overall person responsible for The Ministerial Code*

*Who is overall responsible for The Ministerial Code*

*Dates the above name (s) have been overall responsible for the Ministerial Code*

*And*

*Copies of any correspondence outwith the Government and Parliament whereby the Ministerial Code was discussed*

Your request was received on 9 March 2023 and has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

On 14 March 2023, we contacted you to seek clarification of your request. We advised that, as the First Minister is responsible for the Scottish Ministerial Code, any enquiries that we received regarding responsibility for the Ministerial Code (which applies to MSPs who are Cabinet Secretaries and Ministers in the Scottish Government) would be directed to the Scottish Government. In addition, we do not keep a record of the dates on which we receive such enquiries as we have no business need to collect or collate this information. Accordingly, we said that we think that your request may be for the Scottish Government. In relation to the final part of your request, we asked you to clarify the nature of the correspondence you are seeking, and the time period for which you are seeking it.

You replied with the following:

*Thank You for accepting my correspondence with You and Your interest in providing an appropriate response*

*You seem to direct the requester to Scottish Government but*

*The Government make legislation and Parliament hold Government to account*

*We therefore believe that the information should be held by the Scottish Parliament if the overall person responsible for the Ministerial code is First Minister*

*You can correct us if that is inaccurate and indeed We should ask Scottish Government*

*Quote*

*Copies of any correspondence outwith the Government and Parliament whereby the*

*Ministerial Code was discussed*

*End quote*

*The Scottish Ministerial Code applies to members of the Scottish Government (the First Minister, Cabinet Secretaries, Law Officers and junior Scottish Ministers). The guidance is issued by the First Minister and is a collection of standards around expected behaviours and responsibilities.*

*As Scotland has a resigned First Minister*

*We are asking for data about :-*

*To request copies of all dates whereby the Parliament was approached by anyone*

*regarding :-*

*The overall person responsible for The Ministerial Code*

*You have said it is the First Minister*

*Data about*

*Dates the above name (s) have been overall responsible for the Ministerial Code*

*And data recorded wherein the Parliament hold Government to account*

*Copies of any correspondence outwith the Government and Parliament whereby the*

*Ministerial Code was discussed*

*Correspondence outwith where the Ministerial code was discussed IE Parliament hold Government to account*

*The Scottish Ministerial Code applies to members of the Scottish Government (the First Minister, Cabinet Secretaries, Law Officers and junior Scottish Ministers). The guidance is issued by the First Minister and is a collection of standards around expected behaviours and responsibilities*

We sent you an email on 29 March 2023 explaining that for information about the Scottish Ministerial Code you will need to contact the Scottish Government. As explained in our email, the Scottish Ministerial Code applies to MSPs when acting in their capacity as Cabinet Secretaries and Ministers of the Scottish Government (referred to collectively as the Scottish Ministers). The First Minister, as head of the Scottish Government, appoints Scottish Ministers and is responsible for the Scottish Ministerial Code. The responsibility for the code will last for the length of time that the First Minister is in office. Therefore, for the previous First Minister (who was in post at the date your request was received) this will cover the period from 20 November 2014 when Nicola Sturgeon took office as First Minister until she tendered her resignation on 28 March 2023. That Code is written and published by the Scottish Government.

The Code states that any complaints about the actions of MSPs when they are acting in their capacity as Scottish Ministers should be made to the First Minister. You can access information about the Scottish Ministerial Code on the Scottish Government website at the following link:

<https://www.gov.scot/publications/scottish-ministerial-code-2018-edition/>

As the information that you have requested about the person responsible for the code (the First Minister) and the dates during which the First Minister has been responsible for the code is publicly available on the website for the Scottish Government we have attached a notice in terms of section 25 of FOI(S)A.

The Scottish Parliament has a role in scrutinising the policy and activities of the Scottish Government. However, the Parliament has no role in writing or overseeing the Scottish Ministerial Code. Any enquiries that we receive about the Ministerial Code would be redirected to the Scottish Government. The Parliament's Code of Conduct for MSPs is available on the Scottish Parliament website at the following link: [Code of Conduct | Scottish Parliament Website](#)

The Code of Conduct for MSPs states that it does not cover Members who are Ministers, when acting as Ministers of the Scottish Government and carrying out functions of the Scottish Government which are covered by the Ministerial Code. The Parliament therefore does not have information of the type that you have requested. For information about the Ministerial Code you will need to contact the Scottish Government at the following link:

<https://www.gov.scot/about/contact-information/>

This reply is to confirm that the information you requested is not held by the Scottish Parliament and therefore we cannot provide it to you.

In line with the technical requirements of FOI(S)A we have provided a notice advising that the information you have requested in relation to the dates when the Parliament was approached about the person with responsibility for the Ministerial Code and for correspondence outwith government and the

parliament when the Ministerial Code was discussed is not held by the Scottish Parliament.

In keeping with our FOI procedures, this information may also be posted on the Parliament's disclosure log (usually within 24 hours). For further details on the Parliament's Disclosure Log and the information released under FOI, visit:

[FOI Request Disclosure Log | Scottish Parliament Website](#)

The supply of information under FOI does not constitute permission for its use in a way that would infringe copyright

<https://www.parliament.scot/about/copyright>

We would welcome feedback or comment on how we handled your request.

Please feel free to contact the Head of Information Governance at

[foi.officer@parliament.scot](mailto:foi.officer@parliament.scot)

Please find below Annex A, which explains how we handle FOI requests and reviews.

We are currently working remotely and so would ask you to contact us by email at [foi.officer@parliament.scot](mailto:foi.officer@parliament.scot)

Yours sincerely,

Linda Forrest  
Information Compliance Officer

## **REQUESTS MADE UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

### **How we handle FOI requests**

Information on how we handle FOI requests is available on the Parliament's website at:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Alternatively, please contact the Public Information & Resources Team to request a copy.

<https://www.parliament.scot/contact-us>

### **Review**

If you are dissatisfied with the way in which we have dealt with your request for information, you can ask us to review our decision and actions. You must do this in writing (or other permanent form) within 40 working days of the date of this letter, stating the reasons for your dissatisfaction, and we will respond within 20 working days of receipt. A request for a review should be made to the Head of Information Governance:

Post: Head of Information Governance  
The Scottish Parliament  
Edinburgh  
EH99 1SP  
Telephone: 0131 348 5281

We welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: [foi.officer@parliament.scot](mailto:foi.officer@parliament.scot)

### **Application to the Scottish Information Commissioner**

If, on the outcome of any review, you are still dissatisfied, or if we are unable to resolve any other complaint, then you can contact the Scottish Information Commissioner:

Post: The Office of the Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

Email: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)

Telephone: 01334 464610

Fax: 01334 464611

Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

A decision by the Scottish Information Commissioner may be appealed on a point of law to the Court of Session.

### **Copyright in relation to information provided**

The supply of information under FOI does not constitute permission for its use in a way that would infringe copyright. Where relevant you should obtain permission from the copyright holder before any such use.

### **Feedback or comment**

We would welcome feedback or comment on how we handled your request. Please contact the Head of Information Governance.

### **Data Protection**

If you wish to find out more about how we use your personal data then you can access our Privacy Notice at the following link:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

### **Complaints**

If you are dissatisfied with the way in which we dealt with your enquiry, then you may wish to raise the matter with Public Information and Resources.

### **How to contact us**

Post: The Scottish Parliament  
Edinburgh  
EH99 1SP

Telephone: 0131 348 5000  
0800 092 7500 (Public Enquiries)  
0131 348 5395 (Gàidhlig)

We also welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: [info@parliament.scot](mailto:info@parliament.scot)