



Scottish Information
Commissioner

it's public knowledge

Our Ref 202100184

Your Ref

Bill Stevenson

11 March 2021

Dear Mr Stevenson

Information request – partial disclosure

I am writing in response to your email of 12 February 2021 in which you asked for the following information:

“All correspondence between the Scottish Government and the Scottish Information Commissioner on the decision to redeploy Scottish Government FOI Unit staff to Covid critical roles thus impacting the Scottish Government’s performance in relation to FOI.”

In response to your information request, I should first make clear that specific issues relating to the deployment of resources within individual organisations is not generally an area where the Commissioner will have an active engagement with organisations. In general, deployment of resources will be a matter for individual organisations, and such issues will normally only be a matter for the Commissioner in circumstances where the Commissioner is undertaking a formal intervention to support an organisation to improve a related area of FOI practice.

In this case, however, and as you’ll be aware from my email to you of 18 February 2021, the Commissioner is currently undertaking an intervention to support improvement in the FOI practice of the Scottish Government and, as such, holds some information which can be provided in response to your request.

As noted in my email of 18 February, you can also find more information on the progress and scope of the Commissioner’s intervention at:

www.itspublicknowledge.info/SGIntervention

Information provided in response to your request

Your information request sought correspondence between the Scottish Government and Commissioner on the decision to redeploy Scottish Government FOI Unit staff to Covid critical roles. As you will see, I have provided a schedule of disclosed information in Appendix 1 to this letter, and copies of relevant correspondence and documentation in Appendix 2 and Appendix 3.

You'll see from Appendix 1 that a small amount of information has been withheld from disclosure under section 38(1)(b) of the Freedom of Information (Scotland) Act (FOISA).

Section 38(1)(b) of permits the Commissioner to withhold personal data where disclosure would breach one or more of the data protection principles contained in data protection law.

In this case, I have concluded that a small amount of personal information relating to Scottish Government civil servants should be redacted. This includes details of mobile telephone number for individual civil servants, along with details the names and email addresses of junior civil servants, where these appear in correspondence.

Appendix 4 sets out why I consider the personal data to exempt from disclosure under section 38(1)(b).

A small amount of additional information has also been redacted because it is not covered by the scope of your information request.

Details of redactions made are set out in Appendix 1 to this letter.

In addition to providing information covered by your request, I have also provided some additional information which is **not** covered by the scope of your request, but which I think may be helpful to you. This information is provided to you under the duty to advise and assist requesters contained under section 15 of FOISA, and is detailed in Appendix 5 to this letter.

In summary, then, there are five Appendices attached to this letter. These are:

- Appendix 1: Schedule of disclosed information
- Appendix 2: Copies of 15 documents disclosed in response to your request
- Appendix 3: Copy of one additional document disclosed in response to your request
- Appendix 4: Details of my consideration of section 38(1)(b) of FOISA which exempts personal information from disclosure
- Appendix 5: Additional information not covered by the scope of your request, but which is nevertheless provided under the Commissioner's section 15 duty to advise and assist you.

You may also be interested to learn that the Commissioner is planning to carry out a second practical assessment of Scottish Government FOI practice and performance later this year, as part of our ongoing intervention. The report from the Commissioner's first assessment of practice is published at: www.itspublicknowledge.info/SGIntervention.

Right to re-use information

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Right to seek a review

Under FOISA you have the right to ask us to review the way your request has been handled. If you wish to do this, you should make your request for review to the Commissioner within 40 working days.

You have the right to make your request in any permanent form (letter, email, audio tape, etc.). However, as our office is currently closed due to COVID-19, and staff are working remotely, it would help if you could email the request to enquiries@itspublicknowledge.info. That will help us respond as quickly as possible.

Your request should state:

- that you are asking for a review of this decision and
- why you are unhappy with the response you have received.

We will issue a full response to your request for review within 20 working days of receiving it.

I hope this information has been useful. Please do not hesitate to contact me at pmutch@itspublicknowledge.info if you have any questions in relation to the attached.

Yours sincerely

Paul Mutch
Freedom of Information Officer