

Our ref: Fol/202100253226

Dr. K Murray
request-804401-5d9effcd@whatdotheyknow.com

3 December 2021

Dear Dr. K Murray,

Request under the Freedom of Information (Scotland) Act 2002 (FOISA)

Thank you for your request of 5 November 2021 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for copies of all correspondence with the Equality and Human Rights Commission in relation to the sex question and accompanying guidance in Scotland's Census.

Response to your request

I enclose a copy of the information you requested in the format you asked for.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information which has been redacted from the correspondence because an exemption under section 38(1)(b) (personal information) of FOISA applies to that information.

An exemption under section 38(1)(b) of FOISA (personal information) applies to the redacted information i.e. names and contact details of non-senior staff or external stakeholders or personal information about members of the public, because it is personal data of a third party and disclosing it would contravene the General Data Protection Regulation and Data Protection Act 2018.

This exemption is not subject to the 'public interest test' so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to:

Information Governance Team
National Records of Scotland
Ladywell House
Ladywell Road
Edinburgh
EH12 7TF

Email: foi@nrscotland.gov.uk

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Yours sincerely,

Megan Wilde
NRS Policy Officer