



**CROWN OFFICE
& PROCURATOR
FISCAL SERVICE**

SCOTLAND'S PROSECUTION SERVICE

Response and Information Unit
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PRIVATE AND CONFIDENTIAL

Rita Rake

Tel: 0300 020 3000
Text Relay prefix: 18001

By email:

request-724707-9fd2fc1d@whatdotheyknow.com

Our ref: R-00270-21

4 March 2021

Dear Rita Rake,

I refer to your e-mail of 6 February 2021 in which you requested the following information under the Freedom of Information (Scotland) Act 2002 (FOISA):

- 1. Any application you made in 2019 or 2020 to be a "Stonewall Diversity Champion" or to be included on Stonewall's "Workplace Equality Index," including any attachments or appendices to those applications. Please redact personal details if necessary.*
- 2. Any feedback you received in 2019 or 2020 from Stonewall in relation to either application or programme.*
- 3. Any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).*
- 4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).*
- 5. Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services.*
- 6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.*



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You have referred to “Stonewall” in your requests. Please note that the Crown Office & Procurator Fiscal Service (COPFS) is a member of Stonewall Scotland.

Request 1:

Information on the COPFS ‘Workplace Equality Index’ (WEI) submissions for 2019 and 2020 are attached to the email for this FOI response.

All members of Stonewall Scotland are Stonewall Diversity Champions. There is no separate application for this title. Therefore as there is no application, in terms of [Section 17](#) of FOISA, COPFS does not hold the information you have requested

Request 2:

I consider this information is exempt from disclosure under FOISA [Section 36 \(2\)](#): actionable breach of confidence, as an express obligation of confidence exists.

Feedback information is provided to organisations in confidence as per Stonewall’s [privacy statement](#) and, as this obligation is express, it is the COPFS view that disclosure would represent a breach of confidence.

Request 3:

I can confirm COPFS has received other communication from Stonewall. This is Stonewall news and includes information about Stonewall: events; research; consultations; and a monthly newsletter which is copyright to ‘Stonewall Equality Ltd.’.

The other information requested is available from the Stonewall website: [Stonewall News](#)

I consider this information is exempt under [Section 25\(1\)](#) of FOISA as it is already reasonably accessible to you. Under this exemption we are not required to provide accessible information in response to a request.

Request 4:

Applying for an award does not fall into any category that would require an Equality Impact Assessment (EIA) to be carried out. Therefore as there is no requirement for an EIA, in terms of [Section 17](#) of FOISA, COPFS does not hold the information you have requested.

Request 5:

COPFS pays an annual fee of £2,500 + £500 VAT to be a member of the Stonewall Diversity Champion scheme.

Request 6:

Subscription Membership of Stonewall Scotland is reviewed annually. COPFS intends to continue its membership of Stonewall Scotland for the 2021-22 financial year. Stonewall cancelled the 2021 WEI due to Covid-19. No decision has been taken about whether COPFS will submit an application for the 2022 WEI.



If you are dissatisfied with the COPFS response to your FOI request, you have the right to ask us to review it. Your review request should be made within 40 working days of receipt of this letter; please e-mail foi@copfs.gov.uk and we will reply within 20 working days of receipt.

The review will be undertaken by a member of the COPFS FOI unit who was not involved in the original consideration of your request.

Under section 47(1) of FOISA if the COPFS position is unchanged following a review you have the right to appeal to the Scottish Information Commissioner within six months of receiving the review.

Under section 48(c) of FOISA that right of appeal might be limited as it can be subject to what information is requested. It is for the Scottish Information Commissioner to decide if he will accept your appeal on a case by case basis.

Yours sincerely

H Hart
Response and Information Unit

A Register of FOI responses is published on the [FOI page](#) on the COPFS website: www.copfs.gov.uk.

