



The Scottish Parliament
Pàrlamaid na h-Alba

Information Management and Governance
Scottish Parliament
Edinburgh
EH99 1SP

foi.officer@parliament.scot

13 January 2021

Dear Requester

REQUEST FOR INFORMATION: 2020-655225

We acknowledge your request for the following information:

The Scottish Parliament are thanked for their response and the information that has been provided but an Internal Review is requested because a scenario does not seem to have been included within the response.

Could the Scottish Parliament please look back at their response and consider what would happen if incorrect information was provided in a Consultation Document (and that the Judiciary in Scotland could confirm that this information is incorrect e.g. from a Judgement in a prosecution) and the consultation was used to enact legislation that has passed royal assent.

If the route to redress concerns is still through the Scottish Government (rather than any Scottish Parliament committee) then this Internal Review should, hopefully, clarify this matter.

Your request was received on 18th December 2020 and has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

We have interpreted your original request under reference 2020-654613 as relating to the period before any Bill linked to the disputed consultation document had been passed.

As on review you refer to a scenario where incorrect information was provided in a consultation document that was used to enact legislation that has passed royal assent, we have handled your request for a review dated 18th December 2020 as a new request.

The fact that there may be a dispute as to the accuracy of some of the information provided for the consideration of the Parliament in relation to a Bill would not invalidate the process by which the Parliament considered and passed the Bill, nor would it invalidate the fact that the Bill received Royal Assent and became an Act.

In line with the technical requirements of FOI(S)A we have therefore provided a notice advising that the information you have requested is not held by the Scottish Parliament. This is because the route for disputing the contents of a consultation document issued by the Scottish Government that was subsequently used to inform a Government Bill would still be by complaint to the Scottish Government. (In saying this, we assume that you are still referring, as you did in your original request, to a consultation document published by the Scottish Government.)

Should you wish to make a new request to the Scottish Government you can do so by contacting them. You can access information about how to contact the Scottish Government at the following link:

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

Further information about the roles of the Scottish Parliament and the Scottish Government together with how laws are made by the Scottish Parliament are available in a number of online leaflets here:

<https://www.parliament.scot/visitandlearn/leaflets-and-guides.aspx>

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:

<https://www.parliament.scot/abouttheparliament/17700.aspx>

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<http://www.parliament.scot/help/13591.aspx>

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

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

Yours sincerely,

Claire Turnbull
Head of Information Governance

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:

<https://www.parliament.scot/abouttheparliament/43163.aspx>

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

<http://www.parliament.scot/visitandlearn/25072.aspx>

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 6913 (Calls using the Text Relay service are welcome.)

E-mail: 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

Telephone: 01334 464610

Fax: 01334 464611

Website: 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

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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:

<https://www.parliament.scot/abouttheparliament/108320.aspx>

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