

Minister for Parliamentary Business and Veterans  
Graeme Dey MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Government

T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Daren Fitzhenry  
Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews, Fife  
KY16 9DS

[daren.fitzhenry@itspublicknowledge.info](mailto:daren.fitzhenry@itspublicknowledge.info)

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30 October 2018

Dear Daren

## **SCOTTISH GOVERNMENT DRAFT ACTION PLAN**

Thank you for your letter of 9 October 2018 in response to our draft action plan. I am pleased to note that you felt it had been constructed thoroughly and that the majority of the proposed actions will achieve the desired outcomes. I am determined that the plan should do so.

You identified 3 points that required revision before you could agree the plan and these are covered below. As you suggest, we have had to adjust the timeframes slightly, partly due to the proposed changes, but also to reflect the fact that rollout of the MiCase system is now scheduled to begin at the end of October.

### *Clarity about decision making (recommendation 1(i)-(iii))*

I recognise that the distinction between 'clearance' and 'comment' may not always be clear, particularly out with government. I have therefore had the relevant text changed to make it explicit that, in sensitive or exceptionally complex cases, Ministers will decide the response, informed by advice provided by appropriate officials. I can also confirm that the guidance setting out the roles of staff involved in FOI will cover this process.

### *Communications team involvement in requests (recommendation 1(v))*

By stating that development of press lines or handling plans should be done in parallel with clearance, the original text was intended to reflect that this should not delay a response being issued. However, I recognise the value in making this more explicit and have had the text amended accordingly.

I would like to take this opportunity to note that it remains our intention that responses to journalists should still issue via our Communications team, who handle follow up enquiries from the media. This predates FOI and is fully in line with our normal business practice. We do not consider it to be detrimental to their rights under FOISA.

*Development of broader internal reporting (recommendation 6(ii))*

We have amended the relevant text to be clear that broader reporting *will* be achieved.

**Intervention 201700093 (responding on time)**

I welcome your acknowledgement of the improvement the Scottish Government has made in complying with statutory timescales for replying to FOI requests and that, having achieved its objective, this intervention can now be closed.

This improvement has been achieved thanks to a concerted effort by staff across the Scottish Government over the last 18 months. We face challenges in sustaining this owing to the increasing volumes and complexity of requests we receive along with spikes in these. However, we are committed to maintaining the improved performance.

We have found the discipline of compiling and submitting monthly monitoring reports helpful in maintaining our organisational focus on FOI and I am therefore happy to continue doing so for the duration of the second intervention.

I attach the updated plan and hope you are now able to agree it so we may take forward its implementation.

Yours sincerely



**GRAEME DEY**