



John Swinney BPA/MSP

Linda Fabiani MSP
Convener – Committee on the Scottish
Government Handling of Harassment Complaints
c/o Clerk to the Committee
Room T1.03
The Scottish Parliament
Edinburgh
EH99 1SP

30 November 2020

Dear Ms Fabiani

Committee on the Scottish Government Handling of Harassment Complaints

I am now providing the committee with a statement and timeline, along with 288 supporting documents relating the investigation of the complaint phase of the committee's inquiry. This demonstrates the Scottish Government's commitment to ensuring that the Committee has access to the documents and evidence it needs to fulfil its remit, within the legal and other restrictions that apply.

As the Committee understands, the investigation phase of its inquiry presents particular challenges to ensure that the Committee and witnesses do not inadvertently identify those making complaints, or breach undertakings made to the Court. In my letter of 24 November, I explained that in that context the only practical and appropriate way in which I could ask officials to give evidence to the Committee on 1 December (before that process concludes) was on the basis they address only the facts and events supported by documents which Mr Salmond's legal team had agreed to the disclosure of. Therefore, where the Committee asks the witnesses about any other facts and events, outwith these documents, the witnesses will only be able to respond that they cannot answer questions due to the risk of being in contempt of court. That will be the position next week.

On 26 November, Mr Salmond's legal team provided a further response, signalling that a significant additional number of documents can be considered for release. The Scottish Government is currently assessing those documents including the data and confidentiality implications of this further information. You will understand that, in order to ensure that the Committee has relevant evidence for 1 December, this timescale means that we haven't been able to adapt the statement and timeline to include these documents in this tranche. Where we have been able to, we have referred to some events now agreed with Mr Salmond (though the corresponding documents are not yet available). This will we trust assist the committee in its understanding of how the

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investigation was conducted. Of course, i will ensure that we provide these documents as soon as possible.

Given the imminent further release of information, if there are areas during your questioning of witnesses on 1st December where the witnesses will be unable to answer questions we will be able to answer in future sessions or in writing.

In relation to the request for the release of legal advice made by the Committee, and supported by Parliament, I confirm this issue remains under active consideration by the Government and I will advise Parliament of the conclusion of that process.

JOHN SWINNEY

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