

On Monday 15 March, the Committee used its powers under section 23 of the Scotland Act 1998 to seek from the Crown Office certain communications between specified Scottish Government officials. Details of the notice are [here](#).

The Committee received [this reply](#) from the Crown Office on Tuesday 16 March along with the information requested. Before reading these messages, it is important to understand the context in which they were sent. The information below, including the statement referred to, seeks to provide such context.

The information consisted of a series of text messages between two Scottish Government officials, Barbara Allison, Director of Communications, Ministerial Support and Facilities, and Judith Mackinnon, Head of People Advice. Ms Mackinnon was appointed investigating officer in January 2018 in relation to two formal complaints by women known as Ms A and Ms B under the Scottish Government procedure on the handling of harassment complaints. The messages mention the First Minister's Chief of Staff, Liz Lloyd.

The Committee was very aware that it had sought individuals' private communications and it considered very carefully whether it was fair and necessary to publish any of the material received. The Committee was also acutely aware of the importance of ensuring that anything which is published does not breach legal obligations.

While the Committee was considering the material received from the Crown Office, it received a [statement](#) via Rape Crisis Scotland from a person only identified as Ms X who the Committee understands to be the person whose name is redacted in the messages the Committee was provided with.

At the same time, a part of one of the messages was read out in the House of Commons and widely discussed in the media.

Following a vote, the majority of the Committee, having seen all the messages and the statement from Ms X, felt that publication of messages would enable fairer evaluation of actions taken by the Chief of Staff which have been the subject of much media speculation based on incomplete information. Ms X's statement gives relevant context to what is referred to as 'interference' in one of the messages.

Against this background, a majority of the Committee agreed on 18 March 2021 that it was in the public interest for these messages to be published, alongside Miss X's statement, after giving all individuals identified the opportunity to make representations.

From Barbara Allison to Judith McKinnon
[phone numbers redacted]
06/02/2018 [time redacted]

“Judith. To see from Liz L. [Redacted] will ask to see you today. Best outcome RE her is that as HR told her yesterday they didn't need her to corroborate anything and as she told them she doesn't want to tell her story...that by the end of today HR decide they don't need to speak to her and cancel it. She won't say no because she doesn't want it to look like [redacted] wouldn't testify

From me - [redacted] is coming to see me at [time redacted]. What would you want me to tell her? To corroborate info but agree it can not be used in info sent to him? Or should we 'stand her down'? B x”

From Judith McKinnon to Barbara Allison
[phone numbers redacted]
06/02/2018 [time redacted]

“[Redacted] did not tell us she didn't want to tell her story or participate. She told us she was concerned and needed to consider. Liz interference v bad - promoting a climate that doesn't encourage people to be supported to speak out. This contradicts the FMs own public statements about sexual harassment and doesn't allow Perm sec to fulfil her duty of care. Bottom line is we can't make her talk to us - but at least we needs reason why she won't. Not for us to stand her down - she needs to decide she'd rather not and tell us. Think we need her to give us on writing that she doesn't want to take part. Grrr. Jx”

From Judith MacKinnon to Barbara Allison:
[phone numbers redacted]
08/02/18 [time redacted]

“Still not heard from [redacted] - so proposing to send her this - As I have not heard further from you in relation to the investigation, I will take that as an indication that you do not wish to engage further with the process. - ok B?”

From Barbara Allison to Judith MacKinnon:
[phone numbers redacted]
08/02/18 [time redacted]

“Can you hold off a bit? Liz is getting me you a number to call her.”

From Judith MacKinnon to Barbara Allison:
[phone numbers redacted]
08/02/18 [time redacted]

“Will do.”

From
Barbara Allison to Judith MacKinnon:
[phone numbers redacted]

08/02/18 [time redacted]

"Ta. B"

From Barbara Allison to Judith MacKinnon:

[phone numbers redacted]

08/02/18 [time redacted]

"Hi. [redacted] is texting me now with her number apparently. Bx"

From Judith MacKinnon to Barbara Allison:

[phone numbers redacted]

08/02/18 [time redacted]

"Standing by. X"