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Anas Sarwar MSP
Acting Convener
Public Audit and Post-Legislative Scrutiny
Committee

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1st July 2020

Dear Anas,

Thank you for the Committee's report on Post-Legislative Scrutiny of FOISA, published on 19 May. I am grateful for the considerable work, thought and attention to detail which the Committee has put into producing this report, and for the very constructive approach taken to the subject matter.

In terms of the protocol between the Scottish Parliament and the Scottish Government in relation to the handling of Committee Business, the Scottish Government would ordinarily seek to provide a formal response to the report no later than two months after the date of publication. However, as you are aware, we are currently in the most extraordinary of circumstances as a result of the coronavirus outbreak.

One consequence of these circumstances is that the immediate focus of the Scottish Government's Freedom of Information Unit has significantly changed. Approximately half of the staff of the Unit have been redeployed to Covid critical roles: some have been redeployed on a full-time basis, with others combining Covid-related shifts and aspects of their ordinary roles. Those remaining in the Unit have been refocussed on providing core services such as triaging and allocating new requests, and on providing essential support to staff across the organisation so that FOI requests and reviews to continue to be handled promptly and to a high standard.

As I'm sure you will understand, this renewed emphasis on supporting FOI casework across the organisation has been particularly necessary in light of the recent reversion to the standard statutory timescales for responding to requests and reviews, as a consequence of the Coronavirus (Scotland) (No. 2) Act 2020.

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The Unit also continues to liaise with the Scottish Information Commissioner in relation to his ongoing intervention into the Scottish Government's FOI practice, and to deliver the improvement work that has been put in place in response to the Commissioner's report.

As a result of these issues, the policy development work of the Unit is currently paused. I would wish to assure the Committee that it is the Government's firm intention to resume this important work as soon as circumstances allow. It is my judgement that we will be in a position to provide a more detailed and considered response to your report once that work has resumed than we could at the current time. And I am sure you would prefer as full a response as possible.

Whilst I am not able to put a precise timescale on this I would expect that it will be forthcoming in the coming months. I will update the Committee further in due course and as ever I am happy to discuss this and any other matters with yourself as Convenor.

Yours sincerely,



Graeme Dey

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