

From: [name]  
Sent: 23 March 2016 15:06  
To: [email address]  
Subject: FYI - response to [name of journalist]'s other questions - (case ref) 201502194

Dear Mr McEnaney

Please find below, an email from our Head of Policy and Information to [name of journalist] regarding his additional questions about purdah.

Regards

[name]

Freedom of Information Officer

---

The Office of the Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
KY16 9DS

Tel: 01334 464 610  
Fax: 01334 464 611  
Email:  
Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

-----Original Message-----

From: Sarah Hutchison  
Sent: 23 March 2016 15:00  
To: [email address]  
Cc:  
Subject: Purdah - (case ref) 201502194

Dear [name of journalist]

I think [name] mentioned to you this morning that [he'd/she'd] ask me to get in touch about the purdah issue.

Our position is as [name] set out in [his/her] email to you yesterday (below), correcting the earlier email to Mr McEnaney.

It is important to stress our central concern is not the risk of criticism of Ministers but the importance of maintaining the Commissioner's impartiality.

Though not bound by purdah, the Commissioner must be seen to be impartial. So we're alert to the need for care, during the election period, to avoid any suggestions of bias in the issuing of decisions involving the Ministers.

We monitor the circumstances of individual cases to help us decide on the appropriate course of action. In the rare event that issue of a decision during the election period might be viewed as less than impartial, we could decide to postpone it.

However, I should stress that we cannot recollect a single occasion in the history of FOI in Scotland (since January 2005) that we have held back a decision during an election period. We have issued, and will continue to issue, decisions involving the Ministers in the run-up to elections.

In Mr McEnaney's case, we wanted to alert him to the possibility that a decision could be postponed. We acknowledge that notification ought to have been more heavily caveated. His appeal is still under active investigation and we do not yet know whether a decision on his appeal would be ready for issue before the election.

My direct contact details are below.

Best wishes

Sarah

Sarah Hutchison  
Head of Policy and Information

---

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

Tel: [direct phone number]  
Fax: 01334 464611  
Email: [email address]  
Web: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)