

From: [name]
Sent: 22 March 2016 15:32
To: [email address]
Cc:
Subject: Response to questions - re delay in case progression due to purdah - Mr McEnaney's application - 201502194

Dear [name]

I refer to your telephone call this morning, regarding the email that I sent to Mr McEnaney advising him that there would be slight delay in the progression of his application, due to "purdah"; the period between the Scottish Parliament dissolution and the election on 5 May 2016.

In discussion with the Commissioner, she has asked me to comment:

As you are no doubt aware, the Scottish Government issues advice to civil servants in the run up to elections. While the Scottish Information Commissioner is not bound by this advice, it is critical that she remain impartial in the run up to an election, whether a decision is critical of the Ministers is not the main focus of our consideration. What we are mindful of is the impact of issuing a decision before an election which could be viewed as the Commissioner failing to act impartially in the circumstances. We would consider delaying any decision which, in our judgement, met that criteria.

The ultimate decision is a management decision and the instructions to staff are to seek advice, on a case-by-case basis, from the Commissioner's Head of Enforcement. It also noted that political parties are not covered by FOISA and so decisions are unlikely to contain criticism of them.

Regards

[name]

Freedom of Information Officer

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