



Scottish Information
Commissioner

It's public knowledge

Our Ref 201600566

Your Ref

[Name and email address redacted]

22 April 2016

Dear [Name redacted]

Information request

I am writing in response to your email of 31 March 2016. You asked the Commissioner how often ministerial briefings have occurred before decisions are released and whether we have a written procedure for this.

Ministerial briefings

In your email, you referred to the possibility of there being “compulsory ministerial reviews” in our process which prevented us from issuing decisions involving the Scottish Ministers. **No such reviews have ever taken place, nor could our procedures allow for such a review to take place.** The Freedom of Information (Scotland) Act 2002 (FOISA) makes it clear that the Commissioner’s decisions are to be made independently.

As with other public authorities subject to FOISA, the Scottish Ministers are not given the opportunity to comment on, or otherwise review, draft decisions before they are issued. I am aware of one case (which led to [Decision 204/2014](#)), where we gave the Scottish Ministers an opportunity to comment on the factual accuracy of a small extract of the draft decision. We did this to ensure that our decision was robust. The extract shared with the Ministers did not indicate to the Ministers what the outcome of the decision would be.

No reviews have taken place within the meaning of your request, so we do not hold the information you have asked for.

Written procedure

You also asked whether we have a written procedure for this. As noted above, no reviews take place and, consequently, we have no procedures for this.

You might find it useful to look at the procedures we do use when investigating appeals to this office. They are published on our website [here](#).

We therefore do not hold the information you have asked for.

Rosemary Agnew, Scottish Information Commissioner
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Right to review

Under FOISA, given that I have told you that we do not hold the information you asked for, you may ask the Commissioner to review the handling of your request. If you wish to do this, you should make your request for review to the Commissioner, at the address below, within 40 working days of receiving this email. Your request must be in permanent form (letter, email, audio tape, etc.) and should state:

- that you are asking for a review of this decision and
- why you are unhappy with the response you have received.

We will issue a full response to your request for review within 20 working days of it being received in this office.

Your email suggests that you have read the statement issued by the Commissioner on 30 March 2016 - [here](#). I am sorry that this has not satisfied you. I can only assure you that the Commissioner takes very seriously the need to be impartial and to be seen to be impartial at all times, regardless of the political party involved. I hope the fact that I have been able to reassure you that no "ministerial review" takes place will reassure you.

Yours sincerely



Margaret Keyse
Head of Enforcement