



Scottish Information
Commissioner
It's public knowledge

Our Ref: VC125485

Ms Leslie Evans
Permanent Secretary
Scottish Ministers
St Andrews House
Regent Road
Edinburgh
EH1 3DG

17 October 2019

Dear Permanent Secretary

Use of private email accounts

You will be aware of ongoing media reports over concerns about the First Minister's use of a private email account to conduct government business. According to the reports, officials have been told to send urgent business to the First Minister's personal account.

I would like to highlight that information about government business held by the First Minister will be subject to the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, regardless of how that information is held.

I seek your assurance that this is understood by the Scottish Ministers and would be grateful if you would advise what processes there are in place to identify what information may be held in this way so that proper searches are made in relation to requests for information.

As a wider point, it is not good FOI practice for officials and holders of public office at any level to use private email accounts to conduct official business. As searches for information must be wide enough to include information held on personal accounts, any use of private accounts will inevitably cause problems and delay for organisations – as well as for requesters – in locating and retrieving information.

Use of private emails can also lead to reputational harm, particularly if it is perceived that such accounts are being used to avoid public scrutiny under FOI.

Thank you for your attention in relation to this and I look forward to hearing from you.

Yours sincerely

Daren Fitzhenry, Scottish Information Commissioner
Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS
T: 01334 464610 F: 01334 464611 E: enquiries@itspublicknowledge.info W: itspublicknowledge.info

Daren Fitzhenry
Scottish Information Commissioner