



Scottish Information
Commissioner

it's public knowledge

Our Ref: RFI08

Your Ref: -

Neil Findlay MSP
Scottish Parliament
Room M1 06
Edinburgh
EH99 1SP

21 April 2020

Dear Mr Findlay,

Re: Coronavirus (Scotland) Act 2020 Schedule 2 Part 6

Thank you for your letter of 20 April 2020, marked for the attention of Daren Fitzhenry, Scottish Information Commissioner. We will respond to you in full as soon as possible, but wanted to acknowledge receipt in the meantime.

Part of your letter is an information request under the Freedom of Information (Scotland) Act 2002 (FOISA). My colleague, Margaret Keyse (Head of Enforcement) is working on this element of your letter, and has started to collect together the information.

As you may be aware, we have already published some of our communications with the Scottish Government on our [FOI and Covid-19 InfoHub](#) – including our briefing to the Scottish Parliament on the Coronavirus (Scotland) Bill. You can find these on [our website](#).

As a result of our temporary office premises closure, we do not currently have access to any communications we had with the Scottish Government from before we closed the office on 27 March. I am aware that Margaret had at least two telephone calls from Gerry Hendricks, Head of the Scottish Government's FOI Unit, before the office closed - when Mr Hendricks called to let her know there was a possibility that the Scottish Government might introduce emergency provisions which would affect the timescales in FOISA. Margaret tells me that she took a note of at least one of those calls, but with the office being closed, we cannot access it and the specific notes on the timing of these. (These appear to be the only communications on this matter we had with the Scottish Government before the office closed. We are able to access subsequent correspondence from home, however.)

Despite the changes made to FOISA timescales by the Coronavirus Act, our aim is still to respond to requests, wherever possible, within the original 20 working days. (Our policy on responding to information requests made to the Commissioner during the lockdown can be found [here](#).) While we will be able to answer most of your request within the 20 working days, Margaret will not be able to check when the telephone calls with Mr Hendricks took place until we are back in the office. We will share this, and our response on the other matters raised in your letter, as soon as we are able.

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

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Lastly, as I am sure you will appreciate, our office is committed to being as open and transparent as possible. As such, we will publish your correspondence and this reply on our website in due course. If you wish to discuss this, or any element of this matter further, please do let me know.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a horizontal line extending to the right.

Erin Gray
Head of Policy and Information