

# Decision Notice

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## Decision 188/2018: Mr Tony Barry and the Scottish Ministers

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### Cost of moving to scot.gov domain name

Reference No: 201801431

Decision Date: 20 November 2018



## Summary

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The Ministers were asked about the costs of changing their website address from a gov.uk domain to the scot.gov domain name.

The Ministers provided some information, but said that they did not hold a breakdown of the costs. Following a review, the Ministers identified and disclosed some additional information.

The Commissioner investigated and found that the Ministers had disclosed all of the information they held.

## Relevant statutory provisions

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Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1) and (4) (General entitlement)

The full text of each of the statutory provisions cited above is reproduced in Appendix 1 to this decision. The Appendix forms part of this decision.

## Background

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1. On 8 July 2018, Mr Barry made a request for information to the Scottish Ministers (the Ministers). The information requested was:  
*... a breakdown of the costs to the Scottish Government in changing all the Scottish Government websites and pages from a gov.uk domain to the scot.gov domain name.*
2. The Ministers responded to Mr Barry on 20 July 2018. Mr Barry contacted the Ministers the same day and pointed out that the letter they had claimed to have attached to their response had been omitted.
3. On 30 July 2018, the Ministers emailed Mr Barry a copy of the missing letter and apologised for the oversight. The Ministers provided Mr Barry with some costs, but argued that a breakdown of other costs could not be provided as the work had been carried out as part of a civil servant's normal duties.
4. On 1 August 2018, Mr Barry wrote to the Ministers requesting a review of their decision. He did not accept that information about the costs of all technical changes and communication efforts could not be provided on the basis that the work was part of a civil servant's normal duties. Mr Barry argued that the domain name change would have incurred significant costs and involved considerable work, such as moving web sites to the new domain, updating linked sites, updating literature and communicating the change. He suggested this would have been a "change project" with budgets and accounting.
5. The Ministers notified Mr Barry of the outcome of their review on 23 August 2018. They provided him with additional information about the registry release fee which had been omitted from their earlier response, but maintained that other costs were part of a civil servant's normal duties and could not be broken down.
6. On 23 August 2018, Mr Barry applied to the Commissioner for a decision in terms of section 47(1) of FOISA. Mr Barry was dissatisfied with the outcome of the Ministers' review because he considered that the work to make, test and deploy the changes would have been

estimated and tracked. As a result, he believed the Ministers held more information than they had disclosed to him.

## Investigation

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7. The application was accepted as valid. The Commissioner confirmed that Mr Barry made a request for information to a Scottish public authority and asked the authority to review its response to that request before applying to him for a decision.
8. On 11 October 2018, the Ministers were notified in writing that Mr Barry had made a valid application and the case was allocated to an investigating officer.
9. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Ministers were invited to comment on this application and to answer specific questions including justifying their reliance on any provisions of FOISA they considered applicable to the information requested.

## Commissioner's analysis and findings

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10. In coming to a decision on this matter, the Commissioner considered all of the withheld information and the relevant submissions, or parts of submissions, made to him by both Mr Barry and the Ministers. He is satisfied that no matter of relevance has been overlooked.

### **Did the Ministers hold any further information?**

11. In terms of section 1(4) of FOISA, the information to be provided in response to a request under section 1(1) is that falling within the scope of the request and held by the authority at the time the request is received.
12. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance of probabilities lies, the Commissioner considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. While it may be relevant as part of this exercise to explore expectations about what information the authority should hold, ultimately the Commissioner's role is to determine what relevant recorded information is (or was, at the time the request was received) actually held by the public authority.
13. The Commissioner has taken account of the arguments in both Mr Barry's requirement for review and his application, in which he explained why he considers the Ministers should hold further information falling within the scope of his request.
14. In their submissions to the Commissioner, the Ministers explained that the domain name change was led and conducted by civil servants in the Digital Communications team alongside other duties which fell within their role, calling on colleagues in the IT department as and when necessary. The Ministers submitted that no extra resources were allocated to this team in advance of the work taking place. There was no separate budget code allocated for this work and the costs were covered by the annual budget available to the Digital Communications team.
15. The Ministers also stated that there was no formal work plan or project plan for the move to a gov.scot domain as it was considered to be a straightforward task needing very little resource or cost. The switchover involved selecting a date, then updating the DNS records for Scotland.gov.uk so that gov.scot became the primary domain. The Ministers explained that

the Google search console was updated so that search results returned the primary domain. The Ministers noted that the Scotland.gov.uk domain remains live and functions as a redirect to gov.scot, and that the gov.scot domain was adopted as the Scottish Government's principal web address on 17 February 2015.

16. The Ministers were asked how, if there was no project plan created in advance of the domain name change, they managed the project: how did they know how long it would take and what staff resources would be involved? In response, the Ministers explained that the Digital Communications team manage the Scottish Government domains portfolio, so were already aware of how long it would take to update DNS settings on domains and what resources were required. A project plan was not deemed necessary for this work.
17. The Ministers argued that there is no business need to monitor and keep records of the time and cost of civil servants' work in completing their normal business duties. The Ministers explained that, when dealing with Mr Barry's initial request and review, officials with knowledge of the switchover process were aware that the Scottish Ministers would not hold this information, given that the work was not completed as a project.
18. Having considered all relevant submissions and the terms of the request, the Commissioner is satisfied that the Ministers took adequate, proportionate steps in the circumstances to establish whether they held any further information that fell within the scope of Mr Barry's request.
19. The Commissioner acknowledges that it might well be reasonable to expect that the domain name change could not have been carried out without a project plan and a budget being allocated. But this does not mean that the information is actually held, or that the change took place in the way Mr Barry expected.
20. In this case, the Commissioner accepts that the staff who handled the request understood the process that had been carried out to make the domain change. They were aware that it had not involved a project plan or separate accounting, but had been incorporated into the everyday work of the civil servants involved. The Commissioner is therefore satisfied, on the balance of probabilities, that the Ministers do not (and did not, on receipt of the request), hold any further information falling within the scope of the request.
21. In all the circumstances, therefore, in respect of the information held, the Commissioner is satisfied that the Ministers responded to Mr Barry's request in accordance with Part 1 of FOISA.

## Decision

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The Commissioner finds that the Scottish Ministers complied with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by Mr Barry.

## **Appeal**

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Should either Mr Barry or the Scottish Ministers wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

**Margaret Keyse**  
**Head of Enforcement**

**20 November 2018**

### Freedom of Information (Scotland) Act 2002

#### 1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

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- (4) The information to be given by the authority is that held by it at the time the request is received, except that, subject to subsection (5), any amendment or deletion which would have been made, regardless of the receipt of the request, between that time and the time it gives the information may be made before the information is given.

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