



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Committee on the Scottish Government Handling of Harassment Complaints**

James Wolffe QC  
Lord Advocate

c/o Clerk to the Committee  
Room T1.03  
The Scottish Parliament  
Edinburgh  
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BY EMAIL

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3 February 2021

Dear Mr Wolffe

The Committee has been reviewing evidence received to its inquiry in advance of its final evidence sessions and its deliberations on its findings. The Committee seeks some final confirmations from you on a number of matters of relevance to its inquiry. To the extent that you are not in a position to respond to these points please ensure that they are passed to and responded to by the Permanent Secretary.

### *Redaction of evidence provided by Scottish Government to the inquiry*

In advance of receipt of the requested evidence from the Scottish Government, the Committee received [information from the Permanent Secretary](#) in relation to the general approach taken to redactions including the need to redact information that could contribute to the identification of complainants, where legal professional privilege is asserted or where information is covered by the undertaking from the judicial review.

Once evidence began to be provided to the Committee, the Committee reverted with further questions as to the approach taken.

Now that evidence for each of the four phases of the inquiry has been provided, the Committee would appreciate confirmation in relation to the following points:

1. Any further information / guidance on the approach to provision and redaction of documents, including measures in place to ensure that the Committee was provided, in so far as possible, with the requested information; and
2. Any further information / explanation on how this approach was decided, including:

- confirmation as to whether you or others on your behalf have provided or approved the criteria for providing / redacting material requested by the Committee;
- confirmation that there has been oversight, including legal, of the approach taken to provision of documents and redactions, to ensure that these criteria are applied in such a way as to ensure that no unnecessary redactions have been made that would prevent the Committee from seeing evidence of relevance to its remit; and
- confirmation that this process of agreeing what should and should not be provided / redacted has taken place at official level, overseen by legal advisers, as opposed to the nature of redactions (or withholding of whole documents) being considered, commented on and cleared at a political level.

Finally on this matter, as noted above, the Committee has now received records from the Scottish Government on all four phases of its inquiry and would appreciate confirmation from you that there are no further records the Scottish Government is aware of that are not being provided to this inquiry that the Government is in a position to share.

#### *Sharing of the Investigating Officer's Report*

Turning to the Scottish Government's decision to send the final investigating officer's report to the COPFS, the Committee would be grateful for any further information / explanation of this decision, including whether you had any involvement and whether you can provide your view on the deliberations that informed this decision. The Committee also seeks any further information / explanation, including from your perspective on the investigating officer's final report being offered to the Police as evidence.

Given the timescales the Committee is working to I should be grateful for a response to these points by 9am on Tuesday 9 February.

Yours sincerely

**Linda Fabiani MSP**

**Convener, Committee on the Scottish Government Handling of Harassment Complaints**