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Committee
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The Scottish Parliament
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14th January 2020

Dear Ms Marra,

In the course of my oral evidence to PAPLS on 19 December, regarding the Committee's ongoing post-legislative scrutiny of FOISA, I undertook to write to the Committee with further information on a number of points.

Firstly, Members expressed interest in an independent report commissioned by the Scottish Government's Freedom of Information Unit regarding international comparison of Freedom of Information regimes. The enclosed report was compiled by an academic researcher from the University of Strathclyde during an internship with the Scottish Government, and provides a helpful resource to inform Scottish Government deliberations going forward. The report is due to be published on the Scottish Government website in the coming weeks. The author is aware that the report is being provided to the Committee in advance of its official publication.

Committee members are requested not to circulate the report more widely in advance of its official publication. My officials will highlight to the Committee once the report has been officially published. I should make clear that the contents of the report do not necessarily reflect the views of the Scottish Government.

Members also expressed interest in the use of Whatsapp for official business by Ministers and Special Advisers. Having consulted with colleagues, I can confirm there are three Whatsapp groups we are aware of which are used regularly or semi-regularly by Ministers and Special Advisers to assist with day to day communication in the Scottish Government work place. These are used for logistical or leave planning purposes, not for substantive discussion about Scottish Government business. These groups are used, respectively, by:

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- The Minister for Children and Young People and her private office
- The Cabinet Secretary for Justice and his private office
- The Cabinet Secretary for Health and Sport, Minister for Public Health, Sport and Wellbeing and a Special Adviser

I understand these groups are used on an ad hoc basis, often when other forms of communication are unavailable. Ministers, Special Advisers and their offices are aware that any information communicated via Whatsapp is subject to FOISA, wherever it relates to the work of the Scottish Government. There may of course be other instances where Ministers or Special Advisers use Whatsapp for purposes unconnected to their Scottish Government roles.

Finally, in the course of our exchanges you raised specific questions, by way of example, about the status of two particular organisations – V&A Dundee and the Equality Network. As you are aware, the Scottish Government has recently consulted on the use of Scottish Ministers' powers to extend coverage of FOISA under section 5 of the Act. I can confirm that we will consider the questions raised as they apply to a range of organisations, as we consider our next steps. If there are wider issues the Committee would wish us to consider in regard to our approach to extension, I would be happy to receive a further submission from you on that matter.

I hope this response is helpful to the Committee's deliberations. I look forward to reading the Committee's report on post-legislative scrutiny of FOISA in due course.

Yours sincerely,

GRAEME DEY

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