



The Scottish Parliament  
Pàrlamaid na h-Alba

Information Management and Governance  
Scottish Parliament  
Edinburgh  
EH99 1SP

Foi.officer@parliament.scot

1 April 2022

Dear Requester,

## **REVIEW OF YOUR REQUEST FOR INFORMATION**

On 11 March 2022 you asked us to review our decision of 11 March 2022 in relation to your request for information (**2022-671804**) of 14 February 2022.

Your request for a review is as follows:

*I'm disappointed with it and consider it in substance avoids the issues raised and relies on technicalities, which I do not agree with, concerning the nature of SPPS as a public body. In every essence it is a public body.*

*I request a review of your assessment please.*

*Moreover, you have selected from the suppliers and omit the largest spend, being with Baillie Gifford. There is the potential for the firm to be classed as not being a supplier but in practice, evident in other documents, the arrangement is one of a supplier and so I would suggest you refer back to the Trustees and ask that they disclose the terms of the contract on the basis that they are a supplier.*

Perhaps it would be helpful if I first of all explained the terminology in terms of your request.

The Scottish Parliamentary Pension Scheme (SPPS) is the occupational pension scheme for MSPs and officeholders. The rules of the SPPS are detailed under Schedule 1 of the Scottish Parliamentary Pensions Act 2009.

The Pension Fund is the Scottish Parliamentary Contributory Pension Fund. All sums received under the scheme, for example, pension contributions and pension transfer values, are paid into the Pension Fund. All pensions, pension lump sums and certain scheme expenses are paid from the Pension Fund.

The Fund Trustees principal function is to administer the Pension Fund, and to manage and apply its assets, in accordance with the SPPS rules. It is the Fund Trustees that are not classified as a public body, not the SPPS.

The Fund Trustees appointed Baillie Gifford as Fund Manager. The Fund Trustees have delegated the responsibility for the day to day investment management to them.

A review has been carried out in accordance with the Freedom of Information (Scotland) Act 2002.

At review your request was considered afresh by two FOI reviewers who were not involved in consideration of the original request. Your request for review refers to your disappointment with the reply to your request which you consider in substance avoids the issues raised and relies on technicalities which you do not agree with.

In confirming our original decision in response to this request the FOI Reviewers were satisfied that the information provided responded to your request. Freedom of information provides a right to request recorded information that is held by a public authority. In responding to parts 1 – 3 of your request, we have provided information to support our position that the board of Fund Trustees is not a contracting authority for the purposes of the procurement regulations. This information is given to help your understanding of the position and to explain the difference between the Scottish Parliamentary Corporate Body which is a contracting authority in terms of the Public Contracts (Scotland) Regulations 2015 and the board of Fund Trustees which is not.

In response to the final part of the request we provided information of the charges through the SPPS accounts for spend by supplier. This does not include Baillie Gifford as they do not charge a direct management fee for the services as their charges are wrapped up in the unit prices so there is no exchange of invoices for services rendered. Information about the structure in place for fees payable to Baillie Gifford is provided in our reply to your FOI request under reference 2022-671976, a copy of which is attached.

As a result of this review we have confirmed our original decision in response to the request.

If, on the outcome of any review, you are still dissatisfied, or if we are unable to resolve any other complaint, then you can contact the Scottish Information Commissioner:

Post: The Office of the Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

Email: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)

Telephone: 01334 464610

Fax: 01334 464611

Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

A decision by the Scottish Information Commissioner may be appealed, on a point of law, to the Court of Session.

Yours sincerely,

Robin Davidson  
Head of Information Governance