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Daren Fitzhenry
Scottish Information Commissioner
By email: dfitzhenry@itspublicknowledge.info

10 September 2020

Dear Daren,

Thank you for sight of your second progress report on the intervention into the Scottish Government's freedom of information performance and practice.

As you know, I am fully committed to delivering and maintaining the improvements agreed in our 2018 Action Plan and I consider that those parts of your report concerned with our progress in 2019-20 to be fair and well-balanced. Indeed, I am pleased that you explicitly commend our approach towards improving FOI performance over this period and acknowledge the hard work of staff across the organisation.

I do have some concerns about the conclusions drawn in relation to the impact of the pandemic on our performance and how we respond to that. I recognise the danger of a loss of momentum and I am committed to getting our improvement work back on course as soon as is practicable.

However, as you are aware, the impact on the government of resourcing our response to the ongoing emergency, particularly in the early months, has been enormous, with large numbers of staff being redeployed and having to work extremely long hours. While the virus remains active, and in the absence of a vaccine, our priority must be to focus our resources on suppressing the virus.

Nevertheless, I can assure you that, even in the current circumstances, we continue to take our FOI responsibilities seriously. As you know, our performance in June recovered significantly, with 79% of requests and 78% of reviews being replied to on time. I expect this to provide a strong base on which to build going forward. The FOI Unit continues to actively promote compliance with the Action Plan.

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They are considering how we can strengthen support for case-handling during the current disruption and I welcome the offer in your conclusions that your office will offer appropriate support and advice going forward.

Yours sincerely,



Graeme Dey

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