



Scottish Information
Commissioner

**Decision 166/2006 Mr Martin Williams of The Herald and the
Scottish Executive**

Correspondence relating to an anti-sectarian Summit

**Applicant: Mr Martin Williams
Authority: Scottish Executive
Case No: 200501513
Decision Date: 5 September 2006**

**Kevin Dunion
Scottish Information Commissioner**

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS



Decision 166/2006 - Mr Martin Williams of The Herald and the Scottish Executive

Request for correspondence relating to an anti-sectarian Summit – information withheld under section 29(1)(a) of the Freedom of Information (Scotland) Act 2002 – formulation or development of government policy – information withheld under section 29(1)(b) – Ministerial communications – information withheld under section 30(a) – whether disclosure would, or would be likely to, prejudice substantially the maintenance of the convention of the collective responsibility of the Scottish Ministers – information withheld under section 30(b)(i) – whether disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice – information withheld under section 30(b)(ii) – whether disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation

Facts

Mr Williams submitted an information request to the Scottish Executive for copies of all correspondence surrounding the decision to hold the Summit on Sectarianism and any aftermath. The Scottish Executive withheld the information on a number of grounds: the information related to the formulation of Scottish Administration policy and Ministerial communications, disclosure would, or would be likely to, prejudice substantially the maintenance of the convention of the collective responsibility of the Scottish Ministers, and disclosure would otherwise result in substantial inhibition to effective conduct of public affairs. The exemptions relied upon were those in section 29(1)(a) and (b), section 30(a), and section 30(b)(i) and (ii) of the Freedom of Information (Scotland) Act 2002 (FOISA).

Mr Williams was dissatisfied with the response he received from the Scottish Executive to his initial request and to his subsequent request for review. He then submitted an application for a decision by the Scottish Information Commissioner.

Outcome

The Commissioner found that the Scottish Executive had generally acted in accordance with the Freedom of Information (Scotland) Act 2002 (FOISA) by withholding information that had been requested by Mr Williams.



However, the Commissioner did not accept that the Scottish Executive's application of the exemptions under sections 29(1)(a) and (b), section 30(a), and sections 30(b)(i) and (ii) of FOISA was justified in every instance, and as a result found that the Scottish Executive had not acted in accordance with FOISA by withholding certain of the information that had been requested by Mr Williams.

The Commissioner found that by refusing to release the information which he did not consider to be exempt, the Scottish Executive had failed to comply with the requirements of section 1(1) of FOISA and had accordingly not dealt with the request for information in line with Part 1 of FOISA. The Commissioner now requires the Scottish Executive to provide Mr Williams with certain of the information he requested as set out in the schedule attached to this decision. The schedule forms part of this decision.

Appeal

Should Mr Williams or the Scottish Executive wish to appeal against this decision, there is a right of appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days of receipt of this notice.

Background

1. Mr Williams wrote to the Scottish Executive (the Executive) on 10 March 2005, requesting "copies of all correspondence surrounding the decision to hold the anti-sectarianism Summit and any aftermath." Mr Williams stated that the information he had requested should include all memos, e-mails and minutes of meetings which, he argued, should be available for public scrutiny.
2. The Executive responded to Mr Williams' request on 5 April 2005. In its response the Executive interpreted Mr Williams' request as being a request for "information on the decision to hold the Summit on Sectarianism which took place on 14 February 2005 and subsequent follow-up". The Executive informed Mr Williams that all of the information he had requested was exempt under section 29 of FOISA which covers the formulation of Scottish Administration policy. It was argued that the information constituted the development of policy "to tackle sectarian bigotry in Scotland". The Executive added that the information also included ministerial communications on that subject.



3. Mr Williams sent an e-mail to the Executive on 5 April 2005, asking if the information he had requested could be supplied with any exempt material removed. The Executive responded by informing Mr Williams that if he had any issues with the response he had received to his request he had to follow the review process that had been set out in the Executive's original response to his request.
4. On 6 April 2005, Mr Williams wrote to the Executive and requested a review of its decision to withhold the information he had requested. In his e-mail, Mr Williams clarified the scope of his request by stating that he required "copies of all correspondence surrounding the decision to hold the anti-sectarianism Summit and any aftermath. The paperwork was to include all memos, emails and minutes of meetings etc". Mr Williams argued that the information he had requested should be made available for public scrutiny. He added that "there is public interest in what surrounded the establishment of the Summit, as was clear by the number of people from the media who attended the event, with the encouragement of the Executive which was keen to promote the event."
5. On 20 April 2005, the Executive responded to Mr Williams' request for review, stating that it was of the view that the request fell into two parts. These were concerned respectively with "the decision to hold" the Summit and with "any aftermath". In relation to the first part of the request, the officers who dealt with Mr Williams' request considered documents about the decision taken by Ministers to hold the Summit on Sectarianism – such as why it was taking place, what should be discussed, where and when it should be held and who should be invited. The Executive stated that it considered that the request did not encompass documents such as the pack given to delegates at the Summit itself, which was available on request. The Executive stated that it considered the second part of the request to refer to the development of policy subsequent to the anti-sectarianism Summit.
6. The Executive informed Mr Williams that it had examined all of the relevant documents and reviewed the questions of exemptions and the public interest test. It concluded that all of the papers which had been requested by Mr Williams comprised information relating to the formulation or development of government policy, and that some of them also fell within the category of "Ministerial communications". The Executive stated that information in both of these categories was exempt under sections 29(1)(a) and 29(1)(b) of FOISA, subject to public interest considerations in section 2 of FOISA.



7. Mr Williams was not satisfied with the outcome of the Executive's review and applied to me for a decision on 21 April 2005. In Mr Williams' application, he questioned why the Executive had refused to provide him with any documents at all in response to his request. He stated in his application that the Executive appeared to be suggesting "that not one word of what led up to the Summit and what happened afterwards is allowed." He questioned the Executive's interpretation of the scope of his request and the lack of explanation of the exemptions which had been applied to the information withheld.
8. An investigating officer was then assigned to this case.

The Investigation

9. Mr Williams' application for a decision was validated by establishing that he had made a valid request for information to a Scottish public authority, and had applied to me only after requesting a review from the authority concerned.
10. The investigating officer contacted the Executive on 4 May 2005, giving notice that an appeal had been received and that an investigation into the matter had begun.
11. The Executive was also informed that Mr Williams maintained that disclosure of the information requested would in fact be in the public interest and that he had questioned the justification of withholding of all of the information (such as correspondence between civil servants and minutes of meetings, memos, e-mails and other recorded documentation that did not fall within the definition of 'ministerial communications').
12. The Executive was asked to comment on the issues raised by Mr Williams (such as the reasons why edited versions of the information requested could not be provided with any exempted parts removed) and on the case in general in terms of section 49(3)(a) of FOISA. The Executive was asked to provide supporting documentation for the purposes of the investigation as well as a detailed analysis of its application of the public interest test.
13. The Executive responded to the investigating officer by letter on 19 May 2005. In its letter the Executive stated that no documents had been released to Mr Williams in relation to his request. Details were provided of the Executive's application of the section 29(1)(a) and (b) exemptions under FOISA. The Executive stated that the information withheld was considered to be exempt under these sections as it all related to the formulation or development of government policy or to ministerial communications.



14. In its letter of 19 May 2005, the Executive also stated that it considered sections 30(a) and (b) of FOISA applied to the information requested – these exemptions concern “prejudice to the effective conduct of public affairs” and relate respectively to the collective responsibility of the Scottish Ministers and the free and frank provision of advice and exchange of views for the purposes of deliberation.
15. On 8 June 2005, the Executive provided a number of files and a schedule of documents for the purposes of the investigation. Both Mr Williams and the Executive were subsequently contacted on a number of occasions in order to ascertain the scope of Mr Williams’ request and to clarify the Executive’s use of exemptions as they applied to specific documents.
16. Eventually I considered 479 files many of which contained more than one document (e.g. strings of e-mails; attachments and appendices). Multiple exemptions were applied by the Executive to a large number of those documents which were held to be within the scope of the request.

The Commissioner’s Analysis and Findings

17. In coming to a decision on this matter, I have considered all of the information and the submissions that have been presented to me by both Mr Williams and the Scottish Executive and I am satisfied that no matter of relevance has been overlooked.
18. In the course of the investigation, and with the agreement of the Executive, Mr Williams was supplied with a list of file contents detailing all of the information the Executive held in relation to the Summit on Sectarianism in order to try to determine the documents which would fulfil the requirements of his original request. The investigating officer informed Mr Williams that he considered the scope of the original request concerning the decision to hold the Summit would cover the following: proposals for methods of tackling sectarianism, including holding the Summit, and development of the programme of the Summit which included input from interested Executive departments.
19. In relation to the “aftermath” of the Summit, Mr Williams was informed that the scope of the request was considered to cover the following: proposals for the next steps and follow up work; Ministers’ discussions on follow-up work; and any actions agreed. However, Mr Williams subsequently stated that he was interested in every document held by the Executive which related to the Summit and felt that his original request had indicated this.



20. It should be noted that, in arriving at a decision relating to an application, it is my role as Commissioner to investigate whether an authority has dealt with a request for information in accordance with Part 1 of FOISA. In so doing, I must consider the exact terms of the request that was made to the authority by the applicant. In this case, Mr Williams requested “copies of all correspondence surrounding the decision to hold the anti-sectarianism Summit and any aftermath.”
21. In order to determine the scope of Mr Williams’ request, I considered the submissions made to me by the Executive and Mr Williams as well as the correspondence that had been exchanged between these parties. In its letter to Mr Williams, dated 20 April 2005, the Executive stated that it had treated his request as constituting two parts: firstly, information concerned with the decision to hold the Summit and, secondly, information concerning any “aftermath”. The Executive stated that officers who dealt with the request had considered documents “about the decision taken by Ministers to hold the Summit – such as why it was taking place, what should be discussed, where and when it should be held and who should be invited.” The second part of the request was interpreted as referring to the development of policy subsequent to the anti-sectarianism Summit.
22. Further, in Mr Williams’ letter to the Executive dated 6 April 2005, he explicitly referred to the public interest “in what surrounded the establishment of the Summit” when he questioned the Executive’s refusal to supply him with the information he had requested. In Mr Williams’ application to me, dated 21 April 2005, he also referred to “what led up to the Summit and what happened afterwards”.
23. I am of the view that the Executive’s interpretation of Mr Williams’ request was generally correct. Mr Williams did not request every piece of information that the Executive held which related to the Summit. In my opinion, he was clearly asking for copies of all information that the Executive held which involved the process of setting up the Summit and all information it held which related to any follow-up work and action planned as a result of the Summit having been held. In considering the wording of Mr Williams’ initial request, I have identified the documents that were held by the Executive which I consider fell within the scope of his request. These documents were contained within five different files: ZIG 001/002/019 P.1, P.2, P.3, P.5 and P.6. These are detailed in the attached schedule. Having established the scope of Mr Williams’ request, I will now go on to consider whether the Executive was justified in withholding the information that had been requested.



24. The Executive stated in its refusal notice to Mr Williams, that all of the information requested fell within the scope of the exemption under section 29 of FOISA. This blanket application of an exemption under FOISA to cover all of the information withheld was subsequently refined by the Executive after the investigating officer requested a more detailed analysis of the specific exemptions that had been applied in relation to individual documents.
25. The Executive argued in its submission to me that the information it considered to be exempt under sections 29(1)(a) and/or 29(1)(b) of FOISA comprised a range of documents including policy advice, recommendations, opinions and options on the way forward. The Executive argued that the Summit was a significant policy initiative of the Scottish Executive and, as intra-Christian sectarianism was a prominent issue in Scotland and Northern Ireland and not visible anywhere else in the UK, was therefore distinct from policy elsewhere in the UK.
26. The Executive stated that the Summit formed an important step in its ongoing work to tackle sectarian bigotry in Scotland and was part of the process to inform the longer term action which required to be taken to build a consensus with stakeholders on the way forward. In reaching decisions about the Summit, it was argued that Ministers had considered a range of advice about possible options as ideas were developed since the idea of a Summit was first considered in Spring 2004.
27. The Executive maintained that it was important that such considerations were not disclosed since they related to the formulation of policy and communications with Ministers and disclosure might inhibit future advice and decisions. It was argued that official level records informed the advice which was provided to Ministers and the information requested in this case was viewed in the same context.
28. One of the key public commitments from the Summit was for the Executive to develop, in partnership, a long-term, national action plan to tackle problems associated with sectarianism. The plan was due to be launched in August 2005 and the Executive stated that the follow up (or “aftermath”) work was to fulfil that commitment. The Executive argued that such information related to the formulation of government policy and communications between Ministers. It was submitted that a number of the records related to papers prepared for a Cabinet Delivery Group on Tackling Sectarianism (and the official level discussions which took place to support that group) taking forward the development of the work. The Executive stated that these documents should be treated as exempt.



29. The Executive added that the Action Plan would clearly demonstrate the Executive's commitment to work in this area over the coming years and would be a key statement of Executive policy. As such, it was submitted that the options needed to be explored fully and frankly and that disclosing material at the time Mr Williams made his request would not have been helpful.
30. Mr Williams was informed by the Executive that very few documents related to the aftermath of the Summit at the time his request was made (the Summit was held on 14 February 2005 and Mr Williams' original request was dated 10 March 2005). It should be noted that the Executive did not publish its 18-point Action Plan on Tackling Sectarianism in Scotland (which is now available on the Executive's website) until 26 January 2006. Other information relating to the Summit (such as a record of the Summit and a progress report to the Summit) has been available on the Executive's website since 22 April 2005. Plans to hold a second Summit on Sectarianism have recently been announced by the Executive, although no date has yet been set.
31. Having considered the information that was supplied to me by the Executive, I am of the view that the documents which could be held to fall within the scope of Mr Williams' request for all correspondence surrounding the decision to hold the Summit include submissions to Ministers with proposals on tackling sectarianism, suggestions for invitees, comments on the proposed programme, and revisions to that programme.
32. The documents which relate to the aftermath of the Summit include internal exchanges about the next steps to be taken, notes of meetings between Ministers to discuss follow-up work, the development of an action plan and notes of action agreed.
33. I will now go on to consider the application of each exemption in turn.

Section 29(1)(a) - formulation or development of government policy

34. In terms of section 29(1)(a) of FOISA, information held by the Scottish Administration is exempt information if it relates to the formulation or development of government policy. It should be noted that section 29(2) of FOISA states that once a decision as to policy has been taken, any statistical information used to provide an informed background to the taking of the decision is not to be regarded, for the purposes of paragraph (a) of subsection (1) (i.e. section 29(1)(a)), as relating to the formulation or development of the policy in question. In its letter of 19 May 2005, the Executive stated that no statistical information fell under the terms of Mr Williams' request.



35. Further, section 29(3) of FOISA states that in determining any question under section 2(1)(b) of FOISA (the public interest test) as respects information which is exempt information by virtue of subsection (1)(a) (i.e. section 29(1)(a)), the Scottish Administration must have regard to the public interest in the disclosure of factual information which has been used, or is intended to be used, to provide an informed background to the taking of a decision.
36. The section 29 exemption in FOISA is sometimes referred to as a “class-based” exemption, a term which was adopted during the consultation process for the proposed Scottish freedom of information legislation to describe the scope of the exemption. The term suggests there is a presumption that this section of FOISA exempts any information from disclosure that falls into this class. However, as the Executive’s internal guidance on exemptions under FOISA clearly states: “It is not the nature of the document itself that is determinative but the substance of the information contained within it.” Simply badging a document as a policy is not sufficient to bring the exemption into play. I discuss the requirements of section 29 of FOISA in more detail below when I consider the public interest arguments for and against release in relation to sections 29(1)(a) and 29(1)(b) of FOISA.
37. The reasoning behind the section 29(1)(a) exemption in FOISA is to ensure that, where appropriate, Scottish Administration policy can be formulated and developed effectively by allowing the Administration to discuss matters in a candid and frank manner. The section 29(1)(a) exemption is a qualified exemption, which means that even if the exemption applies, the application of this exemption is subject to the public interest test contained in section 2(1)(b) of FOISA.
38. For information to fall under the section 29(1)(a) exemption, it must relate to the formulation or development of government policy, i.e. to the development of options and priorities for Scottish Ministers, who will subsequently determine which options should be translated into political action and when. The formulation of government policy suggests the early stages of the policy process where options are considered, risks are identified, consultation takes place and recommendations and submissions are presented to Scottish Ministers. Development suggests the processes involved in improving upon or amending already existing policy and could involve the piloting, monitoring, reviewing, analysing or recording the effects of existing policy.
39. I have examined all of the documents where section 29(1)(a) of FOISA was applied by the Executive. These consisted of the following:

FILE: ZIG 001/002/019 P.1

Documents 1, 5-6, 10,11,13, 14, 15, 16, 17-19, 20,21, 22-30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42-43, 44, 45-46, 48, 49, 50, 51, 52-53, 54, 55, 56;



FILE: ZIG 001/002/019 P.2

Documents 1, 2, 3, 4-5, 6, 7, 8, 10, 11-12, 13, 14-15, 16, 17, 19, 20-21, 22, 28, 29, 30-38, 39, 40, 41-42, 43-44, 45-46, 47, 48, 49-50;

FILE: ZIG 001/002/019 P.3

Documents 1-2, 4-7, 8-11, 12, 13-14, 15, 17-18, 19, 20, 21, 22-23, 25, 26, 27, 28-32, 33, 34-35, 36-43, 44, 45, 46-49, 52, 53, 58, 60, 62, 89;

FILE: ZIG 001/002/019 P.5

Document 138;

FILE: ZIG 001/002/019 P.6

Documents 17, 18-19, 21, 26-27, 32, 34, 35, 36, 39, 40, 43, 45-47, 48, 49, 50-54, 55, 56, 57, 58, 59.

40. Having examined these documents, I am of the view that they relate to the formulation or development of government policy. The policy under consideration was how to tackle sectarianism in Scotland and the documents withheld generally concern the consideration of options and proposals relating to the holding of the Summit. The Summit was an “event” and I have given consideration as to whether an event can be regarded as part of the formulation and development of policy or simply as an action arising from the implementation of policy. In this case, the documents relating to the Summit clearly locate it as a policy initiative and the papers in large part discuss which element(s) of the Executive’s multi stranded policy on tackling sectarianism would form the focus the Summit, what policy messages should be articulated and the policy outcomes which were being sought. The Summit itself was central to the development of the policy – it was not just a platform to announce an Executive programme, but the very fact that it was being convened, the nature of its participants, its declared purpose and the explicit or tacit support of those involved was a central plank of the policy development.
41. In any instances where I determine that section 29(1)(a) of FOISA does not apply to a document, I am not required to consider the public interest test in relation to that document. However, where I have established that section 29(1)(a) of FOISA does apply to the information withheld, I must go on to consider where the public interest lies in terms of section 2(1)(b) of FOISA. This I do below. (It should be noted that most of these considerations also encompass the Executive’s arguments for withholding the information under the exemptions contained in sections 29(1)(b), 30(a) and 30(b)(i) and (ii) of FOISA.)



The public interest test

42. The section 29(1)(a) exemption of FOISA is a qualified exemption which means that in cases where the exemption applies, the application of this exemption is subject to the public interest test contained in section 2(1)(b) of FOISA.
43. Information is exempt by virtue of section 29(1)(a) of FOISA if it falls into a particular class of documents; that is, where the information is held by the Scottish Administration and relates to the formulation or development of government policy. In considering the application of this exemption, the authority is not required to consider the significance of the content of the information, nor the effect of disclosure. This is in contrast to the exemptions contained in, for example, section 30(a) or section 30(b)(ii) of FOISA where the authority must demonstrate that disclosure would “prejudice substantially” or “inhibit substantially” a particular interest. In those exemptions, therefore, the authority must consider the significance and sensitivity of the information as well considering the harm resulting from or the effect of disclosure.
44. In the case of section 29(1)(a) of FOISA, however, the information will be covered by this exemption simply if it is held by the Scottish Administration and relates to the formulation or development of government policy, regardless of how routine or insignificant the information may be. The use of the term “relates” ensures that the application of section 29(1)(a) of FOISA is so broad as to include even the most innocuous information.
45. There is clearly a two stage process that an authority relying on section 29(1)(a) of FOISA must follow, i.e.:
 1. Is the information held by the Scottish Administration and does it relate to the formulation or development of government policy?
 2. If yes, in all the circumstances of the case, is the public interest in disclosing the information outweighed by the public interest in maintaining the exemption?
46. Given the class nature of section 29(1)(a), the second stage is likely to involve consideration of the actual content of the information withheld, including its relative sensitivity and the effect of disclosure. As I stated above, the Executive’s internal guidance on exemptions under FOISA states that it is the substance of the information contained within a document that is determinative rather than the nature of the document itself.



47. Section 2(1)(b) of FOISA, which contains the public interest test, is worded in such a way that it suggests that there is a general presumption in favour of release, i.e. that the public interest lies in disclosure of information rather than in maintaining an exemption. It is for the authority to show why, on public interest grounds, the information should not be released. To proceed otherwise would leave us in a position where innocuous and non-sensitive information relating to policy formulation would rarely be released because no resounding public interest argument could be found to justify disclosure.
48. I have taken account of all of the Executive's public interest reasons given to Mr Williams and in its submissions to me for withholding the information. These can be summarised as follows: much information has already been put into the public domain about the summit; it would not be in the public interest for sensitive information to be taken out of context; and the harm which would be done to the policy on sectarianism outweighs any benefit from release of the information.
49. In its submission to my Office, dated 19 May 2005, the Executive argued that although there is a public interest in a clear understanding of the work to tackle sectarian bigotry, key factual information (such as why the Summit had taken place) was already in the public domain and the exempted information was unlikely to facilitate public understanding of this policy area. The Executive stated that it had given serious consideration to the extent to which disclosure would enhance the scrutiny of the decision making processes and thereby improve accountability. It had also considered whether disclosure would promote informed public participation in the processes of government and whether disclosure would contribute to debate on a matter of public interest.
50. In considering these public interest factors, the Executive stated that it had regard to the information already in the public domain, such as parliamentary discussions, press notices and the record of the discussions which took place at the Summit, as well as information which was freely available on request, such as the information packs given to delegates at the Summit.
51. Whilst I accept that the prior release of information relating to the subject matter may satisfy some public interest matters such as demonstrating due process which can be taken into account when considering the public interest test, by and large it seems to me that it does not necessarily follow that because information relating to the subject matter of a request is already in the public domain, additional information cannot be requested or indeed disclosed to a member of the public. This in itself will not justify withholding additional information sought by an applicant.



52. The Executive argued that there would be significant public interest in ensuring that policy formulation and development could take place in an arena which would enable rigorous and frank debate about the merits and demerits of alternative courses of action, without fear that such considerations would be analysed out of context. The Executive referred to the Scottish Parliament's recognition (noted in the Scottish Executive Guidance to Ministers and Officials on Giving Evidence to Committees of the Scottish Parliament), in the context of debate about the Executive's accountability to Parliament, of the strength of the public interest in maintaining the confidentiality of exchanges between officials and Ministers regarding policy advice. I will address the issue of free and frank exchange shortly and also when considering the application of the exemptions under section 30(b)
53. However, I want to deal with the contention that an authority can determine that it is in the public interest to withhold information if it fears that information may be misinterpreted e.g. by being taken out of context or because of how it is read by the recipient or indeed public at large. It should be noted that the Scottish Executive's own *Code of Practice on the Discharge of Functions by Public Authorities under the Freedom of Information (Scotland) Act 2002* (known as the Section 60 Code) explicitly states, at paragraph 75, that in deciding what is in the public interest authorities should not take account of the risk of the applicant misinterpreting the information. It is not for public authorities or government officials to judge what information should be withheld from the public for fear of confusing it or on the basis that it might be misinterpreted.
54. The key concern which the Executive appears to have is that on a sensitive matter such as sectarianism harm would occur if the various policy options considered by officials and Ministers were to be revealed. This would either come about because options were simply not explored, or because the delicate process of engaging with external organisations would be potentially disrupted if strategies for engagement, opinions and hoped for outcomes were publicly aired.
55. The Executive stated that sectarianism is a sensitive issue which provokes very strong and sometimes opposing views. It was argued that part of the purpose of the Summit was to build a consensus about the way forward and Ministers and officials invested time in preparing the ground. The Executive stated that it did not think that exposing the decision making process would be in the public interest. It argued that, rather than helping move the agenda forward, it would reopen debate about who was invited and who was not. It added that such questions had already been asked. It could not identify any strong public interest in disclosure which could be considered equal to that public interest in confidentiality.



56. The Executive stated that work to tackle sectarianism has the potential to reap significant benefits for the people of Scotland in a number of areas such as reducing violent and abusive behaviour that is associated with football and certain marches. It was argued that to achieve these benefits it was essential for the Executive to keep its partner organisations on board and involved in policy developments in this area. The Executive maintained that disclosing information about decisions relating to the Summit and follow-up work could impact on its relationships with some organisations and their willingness to participate in the development of an Action Plan and broader policy in this area.
57. Having considered all of the documents, I am, in general, sympathetic to the Executive's arguments regarding the balance of the public interest. No-one can have lived in Scotland and not recognise that sectarianism is pernicious, but that even if there is willingness and capacity to tackle it, this is far from easy to bring about. In recent times, the Executive has determined to build a consensus for bringing sectarianism to an end and to establish what would be the most effective action. In the course of this, as would be expected, it explores options; considers the roles of organisations and individuals and weighs up the effect of a particular approach. At the time of Mr Williams' request, this was a very live debate and although the Summit had been held the release of much of the information on how the policy objectives of the Summit were arrived at still had the capacity to undermine or thwart the formulation and development of policy.
58. However, I am mindful of the point Mr Williams has made that the stance being taken by the Executive is "that not one word of what led up to the Summit and what happened afterwards is allowed." I do not find that this absolute refusal to release any information is justified and I will go on to explain how I have come to my conclusions.
59. It seems to me that it is possible to distinguish two strands in policy making. One strand is focussed on the *substance* of the policy being formulated – the content of drafts, the options on the table, the proposals to Ministers. The other is the *process* by which the policy is formulated – who was involved; over what period and what types of documents were being circulated and for what purpose.



60. In the circumstances of this case, it seems to me that the Executive was usually justified in maintaining the exemption in section 29(1)(a) in relation to those substantive documents which explore, construct, reject and refine policy options. As might be expected, this is often done by civil servants, who draft and redraft before submitting a proposal to a Minister, which in turn may be accepted, rejected or further amended. In this instance, I believe that those documents which are about the focus, message and desired outcomes of the Summit are the drafting or formulating of policy and, on a matter of sensitivity such as sectarianism in Scotland, it is in the public interest to allow officials and Ministers the space to float ideas, to argue amongst themselves and to come to conclusions about what the policy should be. (I should point out that that is my conclusion in this case where the information is of recent origin and involves issues, people and activities which are still current. Such content of a greater vintage may still have the quality of being drafts, options etc., but may have lost any capacity to cause harm as a result of the passage of time, so the public interest balance may shift.) That is not to say, as I will explain shortly, that all information of this type should be withheld no matter what it contains. But where, as in this instance, the policy outcome being sought could be adversely affected by either the disclosure of options which have actually been amended or rejected, or by not exploring controversial options, for fear of disclosure, then it seems to me that in the absence of a strong countervailing public interest argument for disclosure, on balance, that information should be withheld.
61. As a consequence, where, by reference to the attached Schedule, I have accepted that the Executive was correct, after considering the public interest test, to maintain the exemption in section 29(1)(a), I have done so because the public interest in general transparency in decision making by the public authority is outweighed by the harm which may be done to the public interest by disclosure. No other specific public interest arguments in favour of disclosure have been advanced.
62. However, it does seem to me that the Executive has applied a blanket approach to this matter which is not justified. Even on a matter of sensitivity it is unlikely that all the information will be sensitive; and harm will not come about by its disclosure.
63. At the time of Mr Williams' request, the Summit had been held. The Executive's policy message had been articulated; the press had been invited or briefed; invitees had attended and had been thanked. A delegate pack had been made publicly available. So, whilst at one point the very idea of having a Summit was a policy proposal, it was, by 10 March 2005, a policy outcome.



64. Where matters are sensitive or controversial, there is likely to be a high degree of public interest in establishing how a policy outcome was arrived at and this needs to be given due weight. In considering where the public interest lies, I have had particular regard to the public interest in releasing those substantive documents which crystallise what was intended by the Summit and whether there was follow up action. In this way, the public can see whether the Summit, as experienced and reported, was consistent with the Ministerial intent, and also establish whether measures to secure the declared outcome of the Summit were set in train. I have considered the specific information to be released and do not believe that it will have a detrimental effect on relationships with partner organisations. It may be subject to public debate, but I do not accept the Executive's view that information should be withheld simply because it would reopen public debate. Public debate on this issue is continuing, and the limited information which I have required to be released on the substance of the Summit preparations will provide illumination on the Executive's intentions without undermining them. Where I have found that the public interest in the disclosure of the information was not outweighed by the public interest in maintaining the exemption, then I have ordered that the information should be disclosed.
65. Related to the substance of policy is the process by which the policy outcome was reached. This is often contained within e-mails which show who was involved, and when, with an indication of what they were doing – e.g. drafting policy, commenting on it or submitting sectoral data to be contained within a policy document. The Executive has determined that all of this information should be withheld, making no distinction between an internal memorandum simply indicating that a response can be expected soon and the actual substance of the response when made. With regard to information about how this policy outcome had been secured, I am not persuaded that all of the information should be withheld. I do not think there is harm to the Executive or to the *substance* of policy making to see the *process* by which this particular Summit was approved. So, even where I have determined that a draft document should be withheld, I often take the view that the covering e-mail should be released.
66. Finally, the Executive shows no inclination whatsoever to redact information, so that some information contained in a document can be released even though other elements of that same document are withheld. The Executive is not justified in withholding the whole of a document simply because some element of it is covered by an exemption. In the instances where I determine that it is in the public interest to release some, but not all, of the material, I have indicated the information to be redacted in the "Details of release" column of the attached schedule.



67. I am of the view that the public interest in the information I require to be released outweighs the public interest in maintaining the exemption. So far as the substance of policy making is concerned, I have restricted release to those substantive documents which confirm the stated intent of the Executive, without harming that stated intent. By and large the various drafts and options explored before coming to the preferred outcome are to be withheld, as is the related commentary on a sensitive matter which could, if released, undermine the policy formulation or development.
68. I am also of the view that in this case there is no obvious harm in releasing information as to how the policy making process was pursued. I believe on a matter of importance it is in the public interest to have an insight as to how policy making is conducted and that this outweighs the public interest in maintaining the exemption.
69. In summary, I have examined all of the information that has been withheld by the Executive under section 29(1)(a) of FOISA in this case, and have considered all of the points advanced in its submissions. Where I consider that the information relates to the formulation or development of government policy, and, in all the circumstances of the case, consider that the public interest in disclosing the information is outweighed by that in maintaining the exemption, I have stated that the information should be withheld under section 29(1)(a) of FOISA. Where, in all the circumstances of the case, I am of the view that the public interest in disclosing the information is not outweighed by that in maintaining the exemption, I have stated that the information should be disclosed. I have detailed in the schedule attached to this decision (in respect of each of the documents withheld under this section) the outcome of my findings. Where this involves redacting a document, I have indicated that this is the case.
70. I will now go on to consider the Executive's use of the section 29(1)(b) exemption under FOISA.

Section 29(1)(b) - Ministerial communications

71. The Executive submitted that section 29(1)(b) of FOISA applied to a number of documents as they comprised records of Ministerial discussions. Section 29(1)(b) of FOISA provides that information held by the Scottish Administration is exempt information if it relates to Ministerial communications. Section 29(4) of FOISA goes on to provide that "Ministerial communications" means any communications between Ministers and includes, in particular, communications relating to proceedings of the Scottish Cabinet (or of any committee of that Cabinet).



72. Therefore, for information to fall under this exemption there must be a communication between Ministers. I accept that this exemption is not limited to written communications between Ministers, such as a letter or e-mail from one Minister to another, but could also cover records of discussions between Ministers. I have considered the application of this exemption in relation to each of the documents identified by the Executive as being covered by the exemption in section 29(1)(b), i.e.:

FILE: ZIG 001/002/019 P.1

Documents 1, 5-6, 11, 47;

FILE: ZIG 001/002/019 P.2

Documents 13, 21, 26-27, 28, 30-38;

FILE: ZIG 001/002/019 P.3

Documents 1-2, 4-7, 8-11, 13-14, 17-18, 19, 22-23, 25, 27, 33, 36-43, 45, 50, 53, 58, 60, 62;

FILE: ZIG 001/002/019 P.6

Documents 15-16, 18-19, 20, 28-31, 36, 39, 40, 45-47, 50-54, 55, 56, 57, 58, 59

73. Having examined the documents listed above, I am satisfied that they fall within the definition of Ministerial communications as provided for by section 29(4) of FOISA. This includes correspondence between Ministers' private secretaries, who are corresponding on their respective Ministers' behalf. Such correspondence falls within the section 29(1)(b) exemption under FOISA since it is held by the Scottish Administration and relates to Ministerial correspondence.
74. In any instances where I have determined that section 29(1)(b) of FOISA does not apply to a document, I am not required to consider the public interest test in relation to that document. However, where I have established that section 29(1)(b) of FOISA does apply to the information withheld, the public interest arguments for and against release also have to be considered.

The public interest test

75. The exemption in section 29(1)(b) of FOISA is a qualified exemption which means that even if the exemption applies, the application of this exemption is subject to the public interest test as set out in section 2(1)(b) of FOISA. The Executive's public interest arguments in relation to the application of the section 29(1)(b) exemption are identical to those stated above for the application of the section 29(1)(a) exemption.



76. In relation to Ministerial communications, the Executive's internal guidance states that the decisions made by Ministers make a significant impact on the lives of the general public and there is a public interest in their deliberations being made transparent.
77. In providing its arguments for the application of the exemption in section 29(1)(b), as well as the public interest arguments that were considered in relation to this exemption, the Executive did not differentiate between sections 29(1)(a) and 29(1)(b) of FOISA. In other words, the same arguments applied to the Executive's use of both exemptions. The justification for my findings in relation to the application of the section 29(1)(b) exemption can therefore be found in the section above where I have considered at length the application of the section 29(1)(a) exemption.
78. In this case, only a limited number of documents fall under the definition of Ministerial communications. In considering where the public interest lies, as mentioned above, I have had particular regard to the public interest in releasing those substantive documents which crystallise what was intended by the Summit and whether there was follow up action. In this way, the public can see whether the Summit, as experienced and reported, was consistent with the Ministerial intent, and also establish whether measures to secure the declared outcome of the Summit were set in train. Where I have found that the public interest in disclosure was not outweighed by maintaining the exemption, then I have decided the information should be disclosed. (This may be achieved by redacting certain documents, in which case this is identified in the attached schedule.)
79. There are some instances, however, where the Ministerial communication is exploring options as part of the rolling process of policy development. So, for example, as a result of the Summit, new initiatives and ideas were floated. As well as being subject to the exemption contained in section 29(1)(a), these are also, by virtue of being communicated by a Minister, subject to the exemption in section 29(1)(b) and I have concluded that the public interest in disclosing this information is outweighed by the public interest in maintaining the exemption.
80. In summary, I have examined all of the information that has been withheld by the Executive under section 29(1)(b) in this case, and have considered all of the points advanced in its submissions. I have detailed in the schedule attached to this decision (in respect of each of the documents withheld under this section) the outcome of my findings.



81. I will now go on to consider the Executive's use of the exemptions contained in section 30 of FOISA. Where I have already determined that the exemption should be maintained under section 29 and that it is not, in all the circumstances of the case, in the public interest to release the information, then I do not intend to consider in every case whether the other exemptions claimed by the Executive apply. I have chosen to consider the documents for which the section 30(a) exemption is claimed, however, because I wish to address the arguments made by the Executive, even though I have already agreed that the documents should be withheld under an exemption in either section 29(1)(a) or (b). However, for those many documents for which section 30(b)(i) and 30(b)(ii) is claimed, I have restricted my consideration to those which I have determined were not exempt under section 29.

Section 30 – prejudice to effective conduct of public affairs

82. The exemptions under section 30 of FOISA concern prejudice to effective conduct of public affairs. The Executive did not make reference to any of the section 30 exemptions in its original response to Mr Williams or in its review. However, in its submission to me of 19 May 2005, the Executive briefly advised me that, "In retrospect consideration should have also perhaps been given to the application of the section 30(a) and (b) exemptions in that much of the information relates to Ministerial consideration of the issue as well as of exchange of advice and views between both officials and Ministers."
83. The Executive argued that disclosure may damage the convention of collective Ministerial responsibility, in addition to limiting the future quality of communications and policy-making by officials.
84. The Executive added that it was of the view that the public interest considerations relating to the section 30(a) and (b) exemptions under FOISA would therefore be "broadly similar" to those described above in relation to sections 29(1)(a) and 29(1)(b) of FOISA. It stated that there would in effect be no substantive difference in the treatment of the requests.

Section 30(a) – collective responsibility of Scottish Ministers

85. I have considered the application of the exemption in section 30(a) in relation to each of the documents identified by the Executive as being covered by the exemption in section 30(a), i.e.:

FILE: ZIG 001/002/019 P.6
Documents 15, 16, 28-31.



86. Section 30(a) of FOISA states that information is exempt information if its disclosure under FOISA would, or would be likely to, prejudice substantially the maintenance of the convention of the collective responsibility of the Scottish Ministers. The concept of collective ministerial responsibility is a long-standing constitutional convention, which is not regulated by statute, but is formalised in the Ministerial Code, which provides guidance on the convention.
87. Paragraph 2.3 of the Ministerial Code states that “Collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed and advice offered within the Executive should be maintained.”
88. I understand that the Executive is applying the exemption in section 30(a) of FOISA to the documents in question on the basis that they contain information about views expressed by Ministers. However, the Executive has not applied this exemption to the specific content of each document. In other words, it has not suggested that Ministers’ views are simply redacted and the remainder of the information released. Further, the Executive has taken no account of the nature and content of the views expressed. The views expressed may simply amount to suggestions for follow-up projects (e.g. File P.6, Documents 15 and 16), discussions about who should take the lead on particular matters (e.g. File P.6, Document 31), or may relate to a matter of substance but at a mundane or routine level (e.g. File P.6, Documents 28-30). It is difficult to see how the disclosure of such information would, or would be likely to, prejudice substantially the maintenance of the convention of the collective responsibility of the Scottish Ministers.
89. The Executive has not distinguished between the views expressed and is seeking to apply a blanket exemption to any views expressed by Ministers regardless of content and context. In order to rely on the exemption in section 30(a) of FOISA, the Executive is required to do more than assert that the documents contain views expressed by a Minister and therefore should be protected. It seems to me that that in order for the maintenance of the convention of collective responsibility of the Scottish Ministers to be, or to be likely to be, prejudiced substantially account needs to be taken of the significance of the views and the context in which they are expressed. Circumstances where the disclosure of information might prejudice the maintenance of the convention of collective responsibility could arise where the views expressed were at variance with the final policy or where the information revealed disagreement by other Ministers or where the views expressed were outwith the scope of the Ministers’ responsibilities.



90. For these reasons, I consider that the Executive has failed to demonstrate why the exemption in section 30(a) of FOISA applies to the information withheld in each case and how disclosure of this information would, or would be likely to, prejudice substantially the maintenance of the convention of the collective responsibility of the Scottish Ministers.
91. In summary, I have examined all of the information that has been withheld by the Executive under section 30(a) in this case and, having considered all of the points advanced in its submissions, I am of the view that there is no information in the documents that have been withheld, which, if released, would, or would be likely to, prejudice substantially the maintenance of the convention of the collective responsibility of the Scottish Ministers, for the reasons specified above. I have therefore concluded that section 30(a) of FOISA does not apply to any of the information withheld as set out in the attached schedule.
92. Having established that the exemption does not apply, I do not need to consider the section 2(1)(b) public interest test in relation to this exemption.

Section 30(b)(i) and (ii) - free and frank provision of advice; free and frank exchange of views for the purposes of deliberation

93. Section 30(b)(i) of FOISA states that information is exempt information if its disclosure under FOISA would, or would be likely to, inhibit substantially the free and frank provision of advice. Section 30(b)(ii) of FOISA states that information is exempt information if its disclosure under FOISA would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation. These exemptions are both subject to the public interest test contained in section 2(1)(b) of FOISA.
94. The Executive has applied both of these exemptions in relation to each of the documents below. The attached schedule, however, shows which of these I have considered, following my approach set out in paragraph 81 above.

FILE: ZIG 001/002/019 P.1

Documents 1, 2-4, 5-6, 7-9, 10, 11, 12, 13, 14, 16, 17-19, 20, 21, 22-30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42-43, 44, 45-46, 48, 49, 50, 51, 52-53, 54, 55, 56, 57-58, 59-60;

FILE: ZIG 001/002/019 P.2

Documents 1, 2, 3, 4-5, 6, 7, 8, 9, 10, 11-12, 13, 14-15, 16, 17, 18, 19, 20-21, 22, 23-25, 26-27, 28, 29, 30-38, 39, 40, 41-42, 43-44, 45-46, 47, 48, 49-50;

FILE: ZIG 001/002/019 P.3

Documents 1-2, 3, 4-7, 8-11, 12, 13-14, 15, 16, 17-18, 19, 20, 21, 22-23, 25, 26, 27, 28-32, 33, 34-35, 36-43, 44, 45, 46-49, 50-52, 53, 58, 60, 62, 89;



FILE: ZIG 001/002/019 P.6

Documents 2, 15-16, 17, 18-19, 20, 21, 25, 26-27, 28-31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 45-47, 48, 49, 50-54, 55, 56, 57, 58, 59.

95. Generally speaking, the exemptions in section 30(b) of FOISA allow for information to be withheld if its disclosure would, or would be likely to, inhibit substantially the imparting or commissioning of advice, or the offering or requesting of opinions or considerations. The term “inhibit” is not defined in FOISA. However, I take the view that in this context it means to restrain, decrease or suppress the freedom with which opinions or options are expressed. The Executive’s own guidance to its staff on the application of the exemptions in section 30(b) of FOISA points out that the word “inhibit” suggests a suppressive effect, so that communication would be less likely to be made, or would be made in a more reticent or circumscribed fashion, or would be less inclusive.
96. The term “deliberation” tends to refer to the evaluation of the competing arguments or considerations that may have an influence on a public authority’s course of action. I consider that it will include expressions of opinion and recommendations, but will not include purely factual material or background information. The information should reveal the “thinking process” or reflection that has gone into the decision.
97. The exemptions under section 30(b) of FOISA acknowledge that the prospect of disclosure of information which reveals internal thinking processes may be detrimental to the ultimate quality of decision making within a public authority, and that this will lead to less candid and robust discussions, insufficient records being created, hard choices being avoided and, ultimately, the quality of government being undermined.
98. The Executive argued that there was a clear need for private discussions of all options, however radical or unpopular, when reaching decisions on policy in what it viewed as being a contentious area. It was stated that if there was a perceived risk of these discussions being routinely made publicly available, their quality and the willingness of external stakeholders to partake in them would be significantly undermined. The Executive concluded that the release of internal policy deliberations would be to the detriment of future decision making, inhibiting such deliberations on often contentious issues, not only between Ministers and their officials, but also between Ministers, officials and external stakeholders.
99. As stated previously, I am of the view that it is important for public authorities to treat each request for information on a case by case basis. Release of internal communications in one case should not be taken to imply that such communications will be “routinely” released in future. The individual circumstances of each case must be taken into consideration and the public interest in each case assessed on its own merits.



100. In considering the application of any exemption, I must always look at the actual information withheld, not simply the category of information to which it belongs or the type of situation in which the request has arisen. In other words, in considering these particular exemptions, I must consider whether the disclosure of that information would, or would be likely to, in all the surrounding circumstances, have the substantially inhibiting effect described in section 30(b) of FOISA. It cannot necessarily follow from my requiring release of one particular piece of information in particular circumstances that information of that general variety will require to be disclosed routinely in the future.
101. In section 30(b) of FOISA, the chief consideration is not whether the information itself constitutes advice or the exchange of views for the purposes of deliberation, but whether the release of the information that has been withheld would inhibit substantially the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation.
102. Nevertheless, where information is withheld under section 30(b)(i) of FOISA and that information itself contains the free and frank provision of advice, this is likely to constitute stronger grounds in support of the view that the disclosure of such information would, or would be likely to, inhibit the free and frank provision of advice in future. Conversely, if the information does not constitute free and frank advice, then the case for withholding is likely to be weaker.
103. Equally, if a direct effect of disclosure could be established where the release of the information under consideration would, or would be likely to, inhibit substantially the free and frank provision of advice, then section 30(b)(i) of FOISA would apply. However, the more tenuous the link between cause and effect (i.e. between disclosure of the information under consideration and the inhibition of the free and frank provision of advice in the future), the weaker the argument will be that disclosure will result in the proposed harm. The same reasoning applies for section 30(b)(ii) of FOISA.
104. It is my view that the standard to be met in applying the test in sections 30(b)(i) and (ii) of FOISA is high. When considering the application of the exemptions in section 30(b) of FOISA, each request should be considered on a case by case basis, taking into account the effects anticipated from the release of the particular information involved. This is likely to involve considering:
 - the subject matter of the advice or exchange of views;
 - the content of the advice or exchange of views;
 - the manner in which the advice or exchange of view is expressed, and;



- whether the timing of release would have any bearing (releasing advice or views whilst a decision was being considered, and for which further views were still being sought, might be more substantially inhibiting than once a decision has been taken).
105. In this instance, there are documents withheld which do contain the free and frank provision of advice and the free and frank exchange of views for the purposes of deliberation. However, there are two issues that require to be addressed in relation to the application of the section 30(b) exemption under FOISA:
- a) Firstly, would disclosure mean that those individuals who took part in the exchanges of correspondence would, or would be likely to, be inhibited substantially from continuing to freely and frankly provide advice or exchange views for the purposes of deliberation on this matter?
 - b) Secondly, would release of the information inhibit substantially others from providing advice or participating in such exchanges of view?
106. The Executive has not advanced specific arguments in relation to each document to which it seeks to apply this exemption, but rather has taken a broad brush, quasi-class based approach. Consequently, wherever the Executive perceives there to be an exchange of material between officials on the subject of the Summit, it has applied this exemption without regard, it seems, to the content or manner of the advice or exchange. Whether innocuous or contentious, the Executive's view seems to be that by simply exposing advice or exchanges to public scrutiny would, or would be likely to, inhibit substantially those participating in the exchanges in question or providing advice on this subject matter or have that effect on those who are or might be engaged in other such exchanges or provision of advice.
107. The exchanges or provision of advice in the files was usually between colleagues. Even though these related to a sensitive issue, the content and purpose was often routine and administrative. Others were contributions to drafting material. These were often textual changes with limited, if any, comment, or the comment was unexceptional. (Where such contributions were made as part of the formulation or development of policy, as was normally the case, I have already determined that they are exempt from disclosure under section 29(1)(a).) Where the content was of these two types and having examined the content of the information withheld, it is my view that the disclosure of the information withheld under section 30(b) of FOISA in these instances would not inhibit substantially a public official from carrying out his or her duties in relation to the provision of advice or the exchange of views for the purposes of deliberation. I have indicated on the attached schedule where I have not accepted the application of the exemption.



108. However, some of the information contains views which can be described as free and frank on the Summit process and its aftermath. Here, I do accept that the exemptions in section 30(b) apply, particularly as the process was still ongoing at the time of Mr Williams' request. The provision of advice or exchange of views for the purposes of deliberation on taking forward the work to tackle sectarianism as a result of the Summit would be, or would likely to be, inhibited substantially if such information was disclosed at the time of the review.
109. Where I have found that one or both of the exemptions in section 30(b) apply to information, I am required to go on to consider where the public interest lies in terms of section 2(1)(b) of FOISA. The public interest considerations are not dissimilar to those considered in respect of the exemption in section 29(1)(a). If released, the information withheld might give a deeper insight into some of the decisions taken by the Executive. However, the consequence of this would be to either discourage such views being expressed as strongly as they were or for them not to be shared. This would not be in the public interest. That is not to say that officials and Ministers can say what they like and feel sure that the information will not be released. Each case has to be taken on its merits and the public interest considerations will differ. However, in all the circumstances of this case I usually accept that the public interest benefits more from withholding the information and so, consequently, the public interest in disclosure of the information is outweighed by that in maintaining the exemption. However, in those few instances where I determine that it is in the public interest to release some, but not all, of the material, I have indicated the information to be redacted in the "Details of release" column of the attached schedule.



Decision

I find that the Scottish Executive (the Executive) did not act entirely in accordance with the Freedom of Information (Scotland) Act 2002 (FOISA) in applying the exemptions contained in sections 29(1)(a), 29(1)(b), 30(a), 30(b)(i) and 30(b)(ii) to the information requested by Mr Williams.

I find that by refusing to release part of the information, the Executive failed to comply with the requirements of section 1(1) of FOISA and, in doing so, failed to comply with Part 1 of FOISA. I now require the Executive to release the information to Mr Williams as set out in the schedule which is attached to, and forms part of, this decision notice.

I am obliged to give the Executive at least 42 calendar days in which to supply Mr Williams with the information as set out above. In this case, I require the Executive to take these steps within 45 calendar days of the date of receipt of this notice.

Kevin Dunion
Scottish Information Commissioner
5 September 2006

Appendix to Decision 166/2006

Doc No.	Description	Exemptions cited by the Executive and the Executive's comments	Exemptions upheld	Public Interest in favour of disclosure	Release or withhold	Details of release (where applicable)																																				
FILE: ZIG 001/002/019 P.1																																										
1	<p>Draft minute for Minister for Communities to send to First Minister: 'Tackling Sectarianism – the way forward'. Plus exchange of officials' emails.</p> <p>Annex A: proposals for a First Minister's Summit, Annex B: proposals for a press launch to announce work on tackling sectarianism, Annex C: proposals in relation to sectarian marches, Annex D: proposals concerning the Cross-Party Working Group on Tackling Religious Hatred, Annex E: Draft timeline</p>	<p>Annexes B-D outwith scope. Remainder – exempt: s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)</p>	<p>Annexes A, B, C, D, E:</p> <table border="1" data-bbox="1093 724 1451 879"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.29(1)(b)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>n/c</td></tr> <tr><td>s.30(b)(ii)</td><td>n/c</td></tr> </table> <p>Draft minute:</p> <table border="1" data-bbox="1093 954 1451 1109"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.29(1)(b)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>n/c</td></tr> <tr><td>s.30(b)(ii)</td><td>n/c</td></tr> </table> <p>Officials' e-mails:</p> <table border="1" data-bbox="1093 1184 1451 1339"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.29(1)(b)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>N</td></tr> <tr><td>s.30(b)(ii)</td><td>N</td></tr> </table>	s.29(1)(a)	Y	s.29(1)(b)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	s.29(1)(a)	Y	s.29(1)(b)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	s.29(1)(a)	Y	s.29(1)(b)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1" data-bbox="1480 724 1630 879"> <tr><td>N</td></tr> <tr><td>N</td></tr> <tr><td>n/c</td></tr> <tr><td>n/c</td></tr> </table> <table border="1" data-bbox="1480 954 1630 1109"> <tr><td>N</td></tr> <tr><td>N</td></tr> <tr><td>n/c</td></tr> <tr><td>n/c</td></tr> </table> <table border="1" data-bbox="1480 1184 1630 1339"> <tr><td>Y</td></tr> <tr><td>Y</td></tr> <tr><td>n/a</td></tr> <tr><td>n/a</td></tr> </table>	N	N	n/c	n/c	N	N	n/c	n/c	Y	Y	n/a	n/a	<p>Withhold</p> <p>Withhold</p> <p>Release</p>	<p>Release covering e-mails</p>
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2-4	Exchanges of emails re small drafting changes	Outwith scope? s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	n/a	n/a	Release				
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s.30(b)(ii)	N														
n/a															
n/a															
5-6	Further drafts of doc 1 above.	See doc 1 above	See doc 1 above	See doc 1 above	Partial release	Release covering e-mails, withhold other documents									
7-9	Exchanges of emails re drafting, planning for autumn	Outwith scope? s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	n/a	n/a	Release				
s.30(b)(i)	N														
s.30(b)(ii)	N														
n/a															
n/a															
10	Exchange of emails re possible invitees to summit	s.29(1)(a)? s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	n/a	n/a	Release	
s.29(1)(a)	Y														
s.30(b)(i)	N														
s.30(b)(ii)	N														
Y															
n/a															
n/a															
11	Further draft of doc 1 above	See doc 1 above	See doc 1 above	See doc 1 above	Withhold										
12	Exchange of emails	s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.30(b)(i)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.30(b)(i)	Y	s.30(b)(ii)	Y	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>N</td> </tr> </table>	N	N	Withhold				
s.30(b)(i)	Y														
s.30(b)(ii)	Y														
N															
N															

13	Draft minute to Minister for Communities providing update on tackling sectarianism	Annexes outwith scope. s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	N	s.30(b)(i)	n/c	n/c	s.30(b)(ii)	n/c	n/c	Withhold										
s.29(1)(a)	Y	N																					
s.30(b)(i)	n/c	n/c																					
s.30(b)(ii)	n/c	n/c																					
14	Further draft of 13 above	See 13 above	See 13 above	See 13 above	Withhold																		
15	Email confirming First Minister wants to go ahead with Summit	s.29(1)(a)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	Y	Release																
s.29(1)(a)	Y	Y																					
16	Email exchange re holding meeting on summit. Draft proposals for summit.	s.29(1)(a) s.30(b)(i) s.30(b)(ii) (Section on 'Parliamentary Debate' outwith scope)	<p>E-mail exchange:</p> <table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> <td>n/a</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> <td>n/a</td> </tr> </table> <p>Draft proposals:</p> <table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	Y	s.30(b)(i)	N	n/a	s.30(b)(ii)	N	n/a	s.29(1)(a)	Y	N	s.30(b)(i)	n/c	n/c	s.30(b)(ii)	n/c	n/c	<p>Release</p> <p>Withhold</p>	E-mail exchange to be released in full, draft proposals to be withheld. Section on 'Parliamentary Debate' outwith scope.
s.29(1)(a)	Y	Y																					
s.30(b)(i)	N	n/a																					
s.30(b)(ii)	N	n/a																					
s.29(1)(a)	Y	N																					
s.30(b)(i)	n/c	n/c																					
s.30(b)(ii)	n/c	n/c																					

17-19	Repeat email to officials confirming go ahead for summit seeking contributions.	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	n/a	n/a	Release	
s.29(1)(a)	Y														
s.30(b)(i)	N														
s.30(b)(ii)	N														
Y															
n/a															
n/a															
20	Email exchange re messages/announcements for summit	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	n/a	n/a	Release	
s.29(1)(a)	Y														
s.30(b)(i)	N														
s.30(b)(ii)	N														
Y															
n/a															
n/a															
21	Email exchange re comments on programme	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	n/a	n/a	Partial release	Redact final paragraph from e-mail of 14 Sept 04
s.29(1)(a)	Y														
s.30(b)(i)	N														
s.30(b)(ii)	N														
Y															
n/a															
n/a															
22-30	Email exchanges as per 17-19 and 20 above	See 17-19 and 20 above	See 17-19 and 20 above	See 17-19 and 20 above	Partial release	Document 25 outwith scope. Release Documents 22-24 and 26-30									
31	Email exchange as per 17-19 and 20 above	See 17-19 and 20 above	See 17-19 and 20 above	See 17-19 and 20 above	Release										
32	Email exchange as per 17-19 and 20 above	See 17-19 and 20 above	See 17-19 and 20 above	See 17-19 and 20 above	Release										
33	Email re messages/announcements for summit, with draft outline	See 20 above	See 20 above	See 20 above	Release										

	for summit attached													
34	Comments on draft outline	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	N	s.30(b)(i)	n/c	n/c	s.30(b)(ii)	n/c	n/c	Withhold	
s.29(1)(a)	Y	N												
s.30(b)(i)	n/c	n/c												
s.30(b)(ii)	n/c	n/c												
35	Response to 33 above	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	N	s.30(b)(i)	N	n/c	s.30(b)(ii)	N	n/c	Withhold	
s.29(1)(a)	Y	N												
s.30(b)(i)	N	n/c												
s.30(b)(ii)	N	n/c												
36	Draft proposals for First Minister on summit	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	N	s.30(b)(i)	n/c	n/c	s.30(b)(ii)	n/c	n/c	Withhold	
s.29(1)(a)	Y	N												
s.30(b)(i)	n/c	n/c												
s.30(b)(ii)	n/c	n/c												
37	Email exchange re pilot of education resource	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> <td>n/a</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> <td>n/a</td> </tr> </table>	s.29(1)(a)	Y	Y	s.30(b)(i)	N	n/a	s.30(b)(ii)	N	n/a	Partial release	Redact Paragraph 2 of 16 Sept 04 e-mail
s.29(1)(a)	Y	Y												
s.30(b)(i)	N	n/a												
s.30(b)(ii)	N	n/a												
38	Email exchange re sports initiatives	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> <td>n/a</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> <td>n/a</td> </tr> </table>	s.29(1)(a)	Y	Y	s.30(b)(i)	N	n/a	s.30(b)(ii)	N	n/a	Release	
s.29(1)(a)	Y	Y												
s.30(b)(i)	N	n/a												
s.30(b)(ii)	N	n/a												
39	Email exchange re prison services' initiatives, attaching policy statement on Religion	Policy statement outwith scope? s.29(1)(a)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	Y	Partial	E-mail exchange to be released.						
s.29(1)(a)	Y	Y												

	or Belief Equality	s.30(b)(i) s.30(b)(ii)	s.30(b)(i) s.30(b)(ii)	N N	n/a n/a	release	Other documents outwith scope of request.
40	Email exchange re contribution from Police Division	Attached instructions to Parliamentary Counsel outwith scope s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	Y N N	Y n/a n/a	Partial release	E-mail exchange to be released. Instructions to Parliamentary Counsel outwith scope.
41	Email exchange	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	Y N N	Y n/a n/a	Release	
42-43	Email attaching draft minute to First Minister	Annexes outwith scope. s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	Y N N	Y n/a n/a	Partial release	E-mail from D. Bell to be released. Annex A and C outwith scope of request.
44	Email re planned events	s.29(1)(a) s.30(b)(i)	s.29(1)(a) s.30(b)(i)	Y N	Y n/a	Partial release	E-mail, letter from D. Bell, and Annex B to

		s.30(b)(ii)	s.30(b)(ii)	N	n/a		be released. Annex A and C outwith scope of request.												
45-46	Email attaching draft minute to First Minister with proposals for summit	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>N</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	N	n/a	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	N	n/a	n/a	Withhold	
s.29(1)(a)	Y																		
s.30(b)(i)	N																		
s.30(b)(ii)	N																		
Y																			
N																			
n/a																			
N																			
n/a																			
n/a																			
47		Outwith scope s.29(1)(b)	<table border="1"> <tr> <td>s.29(1)(b)</td> <td>Y</td> </tr> </table>	s.29(1)(b)	Y	<table border="1"> <tr> <td>Y</td> </tr> </table>	Y	<table border="1"> <tr> <td>Y</td> </tr> </table>	Y	Partial release	E-mail to Minister of Communities: sentence beginning "There was a brief discussion..." to be released.								
s.29(1)(b)	Y																		
Y																			
Y																			
48	Email commenting on 45-46 above	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	Y	n/c	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold	
s.29(1)(a)	Y																		
s.30(b)(i)	n/c																		
s.30(b)(ii)	n/c																		
Y																			
n/c																			
n/c																			
N																			
n/c																			
n/c																			
49	As per 45-46 above	See 45-46 above	See 45-46 above	See 45-46 above	See 45-46 above	Withhold													
50	As per 45-46 and 48 above	See 45-46 and 48 above	See 45-46 and 48 above	See 45-46 and 48 above	See 45-46 and 48 above	Withhold													

51	Email forwarding draft	Outwith scope? s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	n/a	n/a	Release	Release e-mail.									
s.29(1)(a)	Y																							
s.30(b)(i)	N																							
s.30(b)(ii)	N																							
Y																								
n/a																								
n/a																								
52-53	Draft of minute as per 45-46 above, with further covering ministerial minute	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<p>Document 52:</p> <table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table> <p>Document 53:</p> <table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table> <table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	Y	n/c	n/c	N	n/c	n/c	Partial release Withhold	Document 52 : Release e-mail
s.29(1)(a)	Y																							
s.30(b)(i)	n/c																							
s.30(b)(ii)	n/c																							
s.29(1)(a)	Y																							
s.30(b)(i)	n/c																							
s.30(b)(ii)	n/c																							
Y																								
n/c																								
n/c																								
N																								
n/c																								
n/c																								
54	As per 52-53 above, with covering email	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold										
s.29(1)(a)	Y																							
s.30(b)(i)	n/c																							
s.30(b)(ii)	n/c																							
N																								
n/c																								
n/c																								
55	As per 52-53 above	See 52-53 above	See 52-53 above	See 52-53 above	Partial release	Release e-mail																		
56	Drafting of section of minute	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold										
s.29(1)(a)	Y																							
s.30(b)(i)	n/c																							
s.30(b)(ii)	n/c																							
N																								
n/c																								
n/c																								

3	Further draft of proposals as above	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	Y	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>N</td> </tr> </table>	N	n/a	N	Withhold	
s.29(1)(a)	Y														
s.30(b)(i)	N														
s.30(b)(ii)	Y														
N															
n/a															
N															
4-5	Emails re presentational issues	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold	
s.29(1)(a)	Y														
s.30(b)(i)	n/c														
s.30(b)(ii)	n/c														
N															
n/c															
n/c															
6	Further draft of minute giving proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold	
s.29(1)(a)	Y														
s.30(b)(i)	n/c														
s.30(b)(ii)	n/c														
N															
n/c															
n/c															
7	Further comments on draft and issues	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold	
s.29(1)(a)	Y														
s.30(b)(i)	n/c														
s.30(b)(ii)	n/c														
N															
n/c															
n/c															
8	Further draft with email seeking comments	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	Y	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>N</td> </tr> </table>	N	n/c	N	Withhold	
s.29(1)(a)	Y														
s.30(b)(i)	n/c														
s.30(b)(ii)	Y														
N															
n/c															
N															
9	Email re possible dates	s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	n/a	n/a	Release				
s.30(b)(i)	N														
s.30(b)(ii)	N														
n/a															
n/a															
10	Further draft with email re														

	outline presentation plan	Draft : s.29(1)(a) s.30(b)(i) s.30(b)(ii) e-mail: s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>n/c</td></tr> <tr><td>s.30(b)(ii)</td><td>n/c</td></tr> </table> <table border="1"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>N</td></tr> <tr><td>s.30(b)(ii)</td><td>N</td></tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr><td>N</td></tr> <tr><td>n/c</td></tr> <tr><td>n/c</td></tr> </table> <table border="1"> <tr><td>Y</td></tr> <tr><td>n/a</td></tr> <tr><td>n/a</td></tr> </table>	N	n/c	n/c	Y	n/a	n/a	Withhold	
s.29(1)(a)	Y																							
s.30(b)(i)	n/c																							
s.30(b)(ii)	n/c																							
s.29(1)(a)	Y																							
s.30(b)(i)	N																							
s.30(b)(ii)	N																							
N																								
n/c																								
n/c																								
Y																								
n/a																								
n/a																								
11-12	Email exchanges re presentational/timing issues	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>n/c</td></tr> <tr><td>s.30(b)(ii)</td><td>Y</td></tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	Y	<table border="1"> <tr><td>N</td></tr> <tr><td>n/c</td></tr> <tr><td>N</td></tr> </table>	N	n/c	N	Withhold										
s.29(1)(a)	Y																							
s.30(b)(i)	n/c																							
s.30(b)(ii)	Y																							
N																								
n/c																								
N																								
13	Further comments on draft proposals	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.29(1)(b)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>n/c</td></tr> <tr><td>s.30(b)(ii)</td><td>n/c</td></tr> </table>	s.29(1)(a)	Y	s.29(1)(b)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr><td>N</td></tr> <tr><td>N</td></tr> <tr><td>n/c</td></tr> <tr><td>n/c</td></tr> </table>	N	N	n/c	n/c	Withhold							
s.29(1)(a)	Y																							
s.29(1)(b)	Y																							
s.30(b)(i)	n/c																							
s.30(b)(ii)	n/c																							
N																								
N																								
n/c																								
n/c																								
14-15	Emails re progress of proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>n/c</td></tr> <tr><td>s.30(b)(ii)</td><td>n/c</td></tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr><td>N</td></tr> <tr><td>n/c</td></tr> <tr><td>n/c</td></tr> </table>	N	n/c	n/c	Withhold										
s.29(1)(a)	Y																							
s.30(b)(i)	n/c																							
s.30(b)(ii)	n/c																							
N																								
n/c																								
n/c																								
16	Email exchange re related issues	s.29(1)(a) s.30(b)(i)	<table border="1"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>Y</td></tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	Y	<table border="1"> <tr><td>N</td></tr> <tr><td>N</td></tr> </table>	N	N	Withhold													
s.29(1)(a)	Y																							
s.30(b)(i)	Y																							
N																								
N																								

		s.30(b)(ii)	s.30(b)(ii)	Y	N		
17	Submission of final version of minute giving proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	Y N N	Y n/a n/a	Partial release	Areas to be redacted : redact Annex A by the withholding of bullet points under heading of Timing; redact final sentence of paragraph 10 ; and redact options 1,2,3. Release Annex B in full.
18	Email re meeting request	s.30(b)(i) s.30(b)(ii)	s.30(b)(i) s.30(b)(ii)	N N	n/a n/a	Release	
19	Email as per 16 above	See 16 above	See 16 above	See 16 above	See 16 above	Withhold	
20-21	Emails forwarding final version of minute giving proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii) (doc 21, top email)	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Y Y N N	Y Y n/a n/a	Release	

		s.29(1)(b) also)																
22	Email re work required if get go-ahead	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	Y	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>N</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	N	n/a	Partial release	Document to be released with the exception of the second and fourth bullet points.			
s.29(1)(a)	Y																	
s.30(b)(i)	Y																	
s.30(b)(ii)	N																	
Y																		
N																		
n/a																		
23-25	General emails forwarding minute	s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	n/a	n/a	Release							
s.30(b)(i)	N																	
s.30(b)(ii)	N																	
n/a																		
n/a																		
26-27	Comment from Minister on minute, with response	s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(b)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(b)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	n/a	n/a	Release				
s.29(1)(b)	Y																	
s.30(b)(i)	N																	
s.30(b)(ii)	N																	
Y																		
n/a																		
n/a																		
28	Draft revised proposals for summit	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.29(1)(b)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.29(1)(b)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	N	n/c	n/c	Withhold	
s.29(1)(a)	Y																	
s.29(1)(b)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	n/c																	
N																		
N																		
n/c																		
n/c																		
29	Comments on draft revised proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	Y	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>N</td> </tr> </table>	N	n/a	N	Withhold				
s.29(1)(a)	Y																	
s.30(b)(i)	N																	
s.30(b)(ii)	Y																	
N																		
n/a																		
N																		

30-38	Draft revised proposals and comments	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.29(1)(b)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	s.29(1)(b)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	Y	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>N</td> </tr> </table>	N	N	n/c	N	Withhold	
s.29(1)(a)	Y																	
s.29(1)(b)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	Y																	
N																		
N																		
n/c																		
N																		
39	Comments on revised proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	Y	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>N</td> </tr> </table>	Y	n/c	N	Withhold				
s.29(1)(a)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	Y																	
Y																		
n/c																		
N																		
40	Draft timeline for preparatory work on summit	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold				
s.29(1)(a)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	n/c																	
N																		
n/c																		
n/c																		
41-42	Comments on revised proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold				
s.29(1)(a)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	n/c																	
N																		
n/c																		
n/c																		
43-44	Emails re proposed date for summit	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold				
s.29(1)(a)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	n/c																	
N																		
n/c																		
n/c																		
45-46	Emails re sports related issues	s.29(1)(a)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	<table border="1"> <tr> <td>N</td> </tr> </table>	N	Withhold										
s.29(1)(a)	Y																	
N																		

		s.30(b)(i) s.30(b)(ii)	s.30(b)(i) n/c s.30(b)(ii) n/c	n/c n/c		
47	Comments on revised proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.30(b)(i) N s.30(b)(ii) N	Y n/a n/a	Partial release	Release e-mail but withhold the attached revised proposals
48	Response to 45-46 above	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N n/c n/c	Withhold	
49-50	Comments re revised proposals and guest list	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N n/c n/c	Withhold	
FILE: ZIG 001/002/019 P.3						
1-2	Submission re proposals for summit	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N N n/c n/c	Withhold	
3	Email in response	s.30(b)(i) s.30(b)(ii)	s.30(b)(i) Y s.30(b)(ii) n/c	N n/c	Withhold	

4-7	Emails in response	Documents 4,5,7: s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Documents 4,5,7: s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N N n/c n/c	Withhold	Withhold Documents 4,5,7
		Document 6: s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Document 6: s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) N s.30(b)(ii) N	Y Y n/a n/a		
8-11	Draft revised proposals	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N N n/c n/c	Withhold	
12	Comments on revised proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.30(b)(i) n/c s.30(b)(ii) Y	N n/c N	Withhold	
13-14	Comments with submission attached	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N N n/c n/c	Withhold	

15	Comments on revised proposals	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	N	s.30(b)(i)	n/c	n/c	s.30(b)(ii)	Y	N	Withhold																
s.29(1)(a)	Y	N																											
s.30(b)(i)	n/c	n/c																											
s.30(b)(ii)	Y	N																											
16	Exchanges re sports issues	s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.30(b)(i)</td> <td>N</td> <td>n/a</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> <td>n/a</td> </tr> </table>	s.30(b)(i)	N	n/a	s.30(b)(ii)	N	n/a	Withhold																			
s.30(b)(i)	N	n/a																											
s.30(b)(ii)	N	n/a																											
17-18	Comments with submission attached	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<p>e-mail of 22 November :</p> <table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.29(1)(b)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> <td>n/c</td> </tr> </table> <p>e-mail of 23 November :</p> <table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>s.29(1)(b)</td> <td>Y</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	N	s.29(1)(b)	Y	N	s.30(b)(i)	n/c	n/c	s.30(b)(ii)	n/c	n/c	s.29(1)(a)	Y	Y	s.29(1)(b)	Y	Y	s.30(b)(i)	n/c	n/c	s.30(b)(ii)	n/c	n/c	Withhold Release	Release e-mail of 23 November (9:26) but not e-mail of 22 November below.
s.29(1)(a)	Y	N																											
s.29(1)(b)	Y	N																											
s.30(b)(i)	n/c	n/c																											
s.30(b)(ii)	n/c	n/c																											
s.29(1)(a)	Y	Y																											
s.29(1)(b)	Y	Y																											
s.30(b)(i)	n/c	n/c																											
s.30(b)(ii)	n/c	n/c																											
19	Amended submission	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.29(1)(b)</td> <td>Y</td> <td>N</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	N	s.29(1)(b)	Y	N	s.30(b)(i)	n/c	n/c	s.30(b)(ii)	n/c	n/c	Withhold													
s.29(1)(a)	Y	N																											
s.29(1)(b)	Y	N																											
s.30(b)(i)	n/c	n/c																											
s.30(b)(ii)	n/c	n/c																											

20	Comments on draft submission	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	Y	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>N</td> </tr> </table>	N	n/c	N	Withhold				
s.29(1)(a)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	Y																	
N																		
n/c																		
N																		
21	Email re attendees	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	Y	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>N</td> </tr> </table>	N	n/c	N	Withhold				
s.29(1)(a)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	Y																	
N																		
n/c																		
N																		
22-23	Comments on draft submission	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.29(1)(b)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.29(1)(b)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	Y	n/a	n/a	Release	
s.29(1)(a)	Y																	
s.29(1)(b)	Y																	
s.30(b)(i)	N																	
s.30(b)(ii)	N																	
Y																		
Y																		
n/a																		
n/a																		
24	Outwith scope of request				Outwith scope of request	Outwith scope of request												
25	e-mail and draft letter	[No exemptions cited by the Executive – therefore the following exemptions were considered: e-mail – s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	e-mail : <table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.29(1)(b)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.29(1)(b)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	Y	n/a	n/a	Release	Release e-mail, withhold draft letter
s.29(1)(a)	Y																	
s.29(1)(b)	Y																	
s.30(b)(i)	N																	
s.30(b)(ii)	N																	
Y																		
Y																		
n/a																		
n/a																		

		Draft letter – s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)]	Draft letter : s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) N s.30(b)(ii) N	N N n/a n/a	Withhold	
26	Email re drafting of update report	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N n/c n/c	Withhold	
27	Draft submission on taking forward preparations for summit	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N N n/c n/c	Withhold	
28-32	Emails re drafting of update report	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N n/c n/c	Withhold	Doc.31 e-mail outwith scope. All other documents to be withheld.
33	Submission of minute to Justice Minister	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N N n/c n/c	Withhold	

34-35	Emails re drafting of update report	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Release				
s.29(1)(a)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	n/c																	
N																		
n/c																		
n/c																		
36-43	Emails containing contact details and arrangements for meetings	[No exemptions cited by the Executive – held to be outwith scope. The following exemptions were considered: s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)]	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.29(1)(b)</td> <td>N</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.29(1)(a)	Y	s.29(1)(b)	N	s.30(b)(i)	N	s.30(b)(ii)	Y	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>N</td> </tr> </table>	N	n/a	n/a	N	Withhold	
s.29(1)(a)	Y																	
s.29(1)(b)	N																	
s.30(b)(i)	N																	
s.30(b)(ii)	Y																	
N																		
n/a																		
n/a																		
N																		
44	Email re drafting of update report	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold				
s.29(1)(a)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	n/c																	
N																		
n/c																		
n/c																		
45	Submission of minute from Justice Minister to First Minister	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.29(1)(b)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.29(1)(b)	Y	s.30(b)(i)	Y	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>Y</td> </tr> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	Y	Y	n/a	Partial release	Redact paragraphs 1-3 and paragraph 12
s.29(1)(a)	Y																	
s.29(1)(b)	Y																	
s.30(b)(i)	Y																	
s.30(b)(ii)	N																	
Y																		
Y																		
Y																		
n/a																		
46-49, 50-	Emails re drafting of update report, e-mails re preparations for summit,	Documents 46, 49, 52:																

52, 53, 58, 60, 62,89	timeline	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a)	Y	N	Withhold	Withhold Documents 46, 49, 52. Also withhold Document 51 – outwith scope of request.
			s.30(b)(i)	n/c	n/c		
			s.30(b)(ii)	n/c	n/c		
		Documents 50, 53: s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a)	Y	Y	Release	Release Documents 50 and 53.
			s.29(1)(b)	N	n/a		
			s.30(b)(i)	N	n/a		
			s.30(b)(ii)	N	n/a		
		Documents 47, 48: s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a)	Y	Y	Partial release	Document 47: release e-mail, withhold attachment. Document 48: release e-mail of 7 December 04 (16:33) but withhold e-mail re diversity training (outwith scope).
			s.30(b)(i)	N	n/a		
			s.30(b)(ii)	N	n/a		
		Documents 58, 62: s.29(1)(a)	s.29(1)(a)	N	n/a	Release	Release

		s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr><td>s.29(1)(b)</td><td>N</td></tr> <tr><td>s.30(b)(i)</td><td>N</td></tr> <tr><td>s.30(b)(ii)</td><td>N</td></tr> </table>	s.29(1)(b)	N	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr><td>n/a</td></tr> <tr><td>n/a</td></tr> <tr><td>n/a</td></tr> </table>	n/a	n/a	n/a		covering e-mail – the rest of the documents already released under Document 45 above.			
s.29(1)(b)	N																	
s.30(b)(i)	N																	
s.30(b)(ii)	N																	
n/a																		
n/a																		
n/a																		
		Document 60: s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr><td>s.29(1)(a)</td><td>N</td></tr> <tr><td>s.29(1)(b)</td><td>N</td></tr> <tr><td>s.30(b)(i)</td><td>N</td></tr> <tr><td>s.30(b)(ii)</td><td>Y</td></tr> </table>	s.29(1)(a)	N	s.29(1)(b)	N	s.30(b)(i)	N	s.30(b)(ii)	Y	<table border="1"> <tr><td>n/a</td></tr> <tr><td>n/a</td></tr> <tr><td>n/a</td></tr> <tr><td>Y</td></tr> </table>	n/a	n/a	n/a	Y	Partial release	Release, but with Annex D and the third section of Annex A redacted
s.29(1)(a)	N																	
s.29(1)(b)	N																	
s.30(b)(i)	N																	
s.30(b)(ii)	Y																	
n/a																		
n/a																		
n/a																		
Y																		
		Document 89: s.29(1)(a) s.30(b)(ii)	<table border="1"> <tr><td>s.29(1)(a)</td><td>Y</td></tr> <tr><td>s.30(b)(i)</td><td>N</td></tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	<table border="1"> <tr><td>Y</td></tr> <tr><td>n/a</td></tr> </table>	Y	n/a	Release							
s.29(1)(a)	Y																	
s.30(b)(i)	N																	
Y																		
n/a																		
54-57, 59, 61, 63-88, 90-103	Outwith scope of request				Outwith scope of request	Outwith scope of request												

FILE:
ZIG 001/002/019 P.4

Contents outwith scope of request

FILE:
ZIG 001/002/019 P.5

Contents outwith scope of request, with the exception of:

138	Draft record of Summit	s.29(1)(a)	s.29(1)(a)	Y	N	Withhold	
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FILE:
ZIG 001/002/019 P.6

1	Outwith scope of request					Outwith scope of request	Outwith scope of request
2	Email re possible follow-up work	s.30(b)(i) s.30(b)(ii)	s.30(b)(i) s.30(b)(ii)	N N	n/a n/a	Release	
3-14	Outwith scope of request					Outwith scope of request	Outwith scope of request
15-16	Emails re follow-up work	s.29(1)(b)	s.29(1)(b)	Y	N	Withhold	

		s.30(a) s.30(b)(i) s.30(b)(ii)	s.30(a) s.30(b)(i) s.30(b)(ii)	N n/c n/c	n/a n/c n/c		
17	Email re follow-up work	s.29(1)(a) s.30(b)(ii)	s.29(1)(a) s.30(b)(ii)	Y N	Y n/a	Partial release	E-mail dated 16 February 2005 (15:51) "First Minister's Summit on Sectarianism" to be released. Other documents outwith scope of request.
18-19	Emails re school/youth work	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Y Y n/c n/c	N N n/c n/c	Withhold	
20	Emails re follow-up work	s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Y n/c n/c	N n/c n/c	Withhold	
21	Draft paper on follow-up work	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	Y N N	Y n/a n/a	Release	

22-24	Outwith scope of request					Outwith scope of request	Outwith scope of request											
25	Exchange re follow-up meeting	s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.30(b)(i)	N	s.30(b)(ii)	Y	<table border="1"> <tr> <td>n/a</td> </tr> <tr> <td>Y</td> </tr> </table>	n/a	Y	Partial release	Release invitation to meeting dated 17 February, but redact comments of officials.						
s.30(b)(i)	N																	
s.30(b)(ii)	Y																	
n/a																		
Y																		
26-27	Exchange re follow-up meeting and draft paper	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>N</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	N	s.30(b)(ii)	N	<table border="1"> <tr> <td>Y</td> </tr> <tr> <td>n/a</td> </tr> <tr> <td>n/a</td> </tr> </table>	Y	n/a	n/a	Release				
s.29(1)(a)	Y																	
s.30(b)(i)	N																	
s.30(b)(ii)	N																	
Y																		
n/a																		
n/a																		
28-31	Exchange re follow-up work	s.29(1)(b) s.30(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(b)</td> <td>Y</td> </tr> <tr> <td>s.30(a)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(b)	Y	s.30(a)	n/c	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	n/c	Withhold	
s.29(1)(b)	Y																	
s.30(a)	n/c																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	n/c																	
N																		
n/c																		
n/c																		
n/c																		
32	Draft submission re follow-up work	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.29(1)(a)</td> <td>Y</td> </tr> <tr> <td>s.30(b)(i)</td> <td>n/c</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>n/c</td> </tr> </table>	s.29(1)(a)	Y	s.30(b)(i)	n/c	s.30(b)(ii)	n/c	<table border="1"> <tr> <td>N</td> </tr> <tr> <td>n/c</td> </tr> <tr> <td>n/c</td> </tr> </table>	N	n/c	n/c	Withhold				
s.29(1)(a)	Y																	
s.30(b)(i)	n/c																	
s.30(b)(ii)	n/c																	
N																		
n/c																		
n/c																		
33	Exchange re follow-up work	s.30(b)(i) s.30(b)(ii)	<table border="1"> <tr> <td>s.30(b)(i)</td> <td>N</td> </tr> <tr> <td>s.30(b)(ii)</td> <td>Y</td> </tr> </table>	s.30(b)(i)	N	s.30(b)(ii)	Y	<table border="1"> <tr> <td>n/a</td> </tr> <tr> <td>N</td> </tr> </table>	n/a	N	Withhold							
s.30(b)(i)	N																	
s.30(b)(ii)	Y																	
n/a																		
N																		

34	Submission to Minister recording draft summary of discussions at summit, and proposed next steps.	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	Y n/c n/c	N n/c n/c	Withhold	
35	Summary of issues to be discussed at Ministerial meeting	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	Y n/c n/c	N n/c n/c	Withhold	
36	Minute recording meeting between Ministers to discuss follow-up work	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Y Y N N	Y Y n/a n/a	Partial release	Withhold all information after first bullet point.
37-38	Outwith scope of request					Outwith scope of request	Outwith scope of request
39	Follow-up to 36 above	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Y Y n/c n/c	N N n/c n/c	Withhold	
40	Development of timeline for action plan – follow-up to 36 above	s.29(1)(a) s.29(1)(b) s.30(b)(i)	s.29(1)(a) s.29(1)(b) s.30(b)(i)	Y Y N	Y Y n/a	Release	Release e-mail of 2 March 2005 (15:48) not

		s.30(b)(ii)	s.30(b)(ii)	N	n/a		document below dated 1 March 2005.
41	Exchange re follow-up	s.30(b)(i) s.30(b)(ii)	s.30(b)(i) s.30(b)(ii)	N N	n/a n/a	Release	
42	Exchange re follow-up	s.30(b)(i) s.30(b)(ii)	e-mail of 2 March 2005: s.30(b)(i) s.30(b)(ii) Other e-mails: s.30(b)(i) s.30(b)(ii)	N N Y Y	n/a n/a N N	Release Withhold	Release e-mail of 2 March 2005 (19:21) only. Other e-mails withheld under section 30(b)(i) and (ii)
43	Development of action plan and draft submission on follow-up work	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	Y n/c n/c	N n/c n/c	Withhold	
44	Exchange re follow-up work	s.30(b)(i) s.30(b)(ii)	s.30(b)(i) s.30(b)(ii)	N N	n/a n/a	Partial Release	Release only first paragraph of 3 March e-mail
45-47	Exchanges re follow-up work, development of action plan and note of meeting between Ministers	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Y Y n/c n/c	N N n/c n/c	Withhold	

48	Email exchange re “Summit on Sectarianism – next steps”	s.29(1)(a) s.30(b)(i)	s.29(1)(a) Y s.30(b)(i) n/c	N n/c	Withhold	
49	Submission to Minister for Justice providing briefing on follow-up work	s.29(1)(a) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.30(b)(i) N s.30(b)(ii) N	Y n/a n/a	Partial release	Release e-mails, not attachments
50-54	Exchanges re follow-up work, development of action plan and note of meeting between Ministers	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N N n/c n/c	Withhold	
55	Draft submission to Ministers re development of action plan	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N N n/c n/c	Withhold	
56	Email recording discussion of next steps, with submission attached	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) Y s.29(1)(b) Y s.30(b)(i) n/c s.30(b)(ii) n/c	N N n/c n/c	Withhold	
57	Submission from Minister for Justice to Ministers re	s.29(1)(a)	s.29(1)(a) Y	Y	Release	Note

	development of action plan	s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Y n/c n/c	Y n/c n/c		
58	Minute from Minister for Justice to FM on action plan	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Y Y n/c n/c	N N n/c n/c	Withhold	
59	Minute from Minister for Finance	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	s.29(1)(a) s.29(1)(b) s.30(b)(i) s.30(b)(ii)	Y Y n/c n/c	N N n/c n/c	Withhold	

Key to table

Y = Exemption applies or public interest is in favour of disclosure

N = Exemption does not apply

n/c = Application of exemption not considered

n/a = Public interest test not applicable.